FIX THE FILIBUSTER • CHRISTOPHER HAYES

THE Nation.

DOUBLE ISSUE

The Progressive Honor Roll of 2010

John Nichols

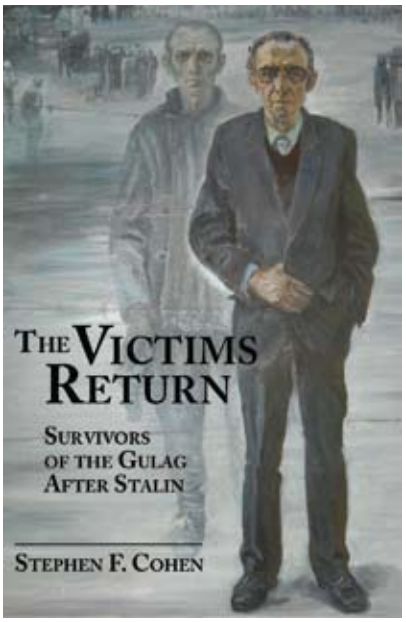
JANUARY 10/17, 2011
TheNation.com

$4.95
02
01223
0 377538 7

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"Stephen Cohen brings to life the horror, shock, and despair of Stalin's gulags . . . from the viewpoint of victims' family members."

—*New York Journal of Books*



"A striking memoir . . . Russians today are inheritors of an unspeakably immense crime, and Cohen engages fully—and personally—with the debate."

—*The New Yorker*

"An authoritative, engrossing account."

—*E.L. Doctorow*

"Needed, well-written, and compact . . . Cohen helps us better understand Russia's enigmatic present, and better appreciate what to look for as it lurches into the future."

—*New York Times Book Review*

978-1-933002-40-8
Hardcover, 224pp., $22.95

Available At:
PublishingWorks.com, Amazon.com, & BarnesandNoble.com,
or call
603.778.9883 to order

Letters

...but Were Afraid to Ask

Eugene, Ore.
In "Ten Things You Should Know About Slow" [Dec. 13] Dian Duchin Reed considers endeavors that are common to all of us (eating, socializing) or to just some of us (driving, shopping, parenting). She forgets, however, another key slow endeavor that concerns us all: sex. Yes, there is slow sex, a delightful practice, sometimes known as *karezza* or tantric sex. This practice of generous touch is relaxing and fulfilling rather than fiery and consuming. Read *Cupid's Poisoned Arrow* by Marnia Robinson and *Tantric Sex for Men* by Diana and Michael Richardson.
Laura and John Hofer

The Divine Sarah

Stirling, N.J.
Melissa Harris-Perry's thoughtful arguments in "The Misunderestimation of Sarah Palin" [Dec. 13] confirm my thinking. An inveterate blogger and writer of letters to the editor, I've repeatedly said, "underestimate this woman at your peril." Month by month she gains in stature and popularity while a chorus from the left wing of our national stage excoriates her. I don't care for her either, but I see how the media are buffing her luster. She will wind up with more electoral cred than she ever deserved.
L.E. Alba

Rapid City, S.D.
Melissa Harris-Perry says people will regret their "mocking" and "dismissive" attitude toward Sarah Palin. She is wrong. Jana Prikryl has it right a few pages on in "The Dirty Halo," where she describes Palin as a "glossy, unflappable" figure who sashays "her degraded political slapstick" onto the national scene and gets the attention of the talking heads. "Photogenic star power" does not qualify her as anything more than an attraction, kind of like Disneyland. Is that "dismissive," or a true grasp of reality?
Elizabeth Cook-Lynn

New York City
I intend to adopt the Republican strategy of "starving the beast." I will not click through any story that reports on, quotes, analyzes or otherwise pays attention to Sarah Palin. Please, I implore you, ignore her.
D. MacLeod

Chariot of Fire

Findlay, Ohio
I was stunned by Anne Carson's translations "[3 fragments of Mimnermos]" [Dec. 13]. I had never heard of Mimnermos. Indeed, little is known of him other than that he died around 600 BC. What I found remarkable were the lines from "[that lucky old Sun]": "already tomorrow goes riding his bed of daysided/gold goes skimming/sleep countries from west to east..." If I interpret this correctly, the image appears to be that the earth is moving (rotating) from west to east! Otherwise, if the sun were revolving around the earth, it would be "skimming" from east to west. That such an image appears some 350 years before Aristarchus was allegedly the first to claim that the earth revolves around the sun is what I find remarkable.

Carson is a classics scholar and has made her translations freely into modern English, so perhaps this is not an exact replication of Mimnermos' imagery. But if the translation does reflect his image, we may have to reevaluate our understanding of when the geocentric theory was first challenged.
Jim Flechtner

Carson Replies

Brooklyn, N.Y.
I thank Jim Flechtner for his sensible question about my translation of Mimnermos fr. 8. The text is conveyed to us by a Hellenistic author named Athenaios, who says: "Mimnermos says in the *Nanno* that it is in a golden bed made for the purpose by Hephaistos that the sun, while he is asleep,

(continued on page 26)

letters@thenation.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Nation.
since 1865

Organize & Educate

A Congressional term that saw more than enough disappointment finished on three high notes and a fourth encouraging one. Repeal of the noxious "don't ask, don't tell" policy was approved by both the House and the Senate, finally clearing the way for gays and lesbians to serve openly in the military. Landmark food-safety legislation also passed both houses. At press time the Senate reached the two-thirds majority required to pass New Start, a significant arms control treaty with the Russians. And the DREAM Act, an immigration reform written to make it easier for undocumented young people to go to college, got through the House and came within a few votes of overcoming a filibuster, gaining sufficient support so that advocates could credibly argue for including a version of it in any comprehensive immigration reform measure.

EDITORIAL

There is no need to be Pollyannaish about the 111th Congress. Democrats, especially in the Senate, proved the limits of one-party control of the legislative and executive branches. Stimulus spending was insufficient, as was infrastructure investment. Healthcare and financial reform legislation, although monumental in scope, were both limited by compromises of principle and logic. And the lame-duck session saw President Obama and Congressional Democratic leaders force both chambers to accept a tax cut "compromise" that extended Bush-era tax breaks for billionaires, developed a sweeping estate tax exemption for millionaires and put Social Security at risk.

So how did historic gay rights reform make it through, especially given the fierce opposition of social conservatives? How did the most significant extension of food inspections in seventy-five years gain traction, even though it imposes burdens on food corporations that seem to have the run of Congress? And how did meaningful immigration reform come within a whisker of approval in a year that saw Arizona impose draconian anti-immigrant legislation and other states scramble to do the same?

The constants were committed members of Congress who refused to let go of issues—Colorado Congressman Jared Polis and Connecticut Senator Joe Lieberman on gays in the military, Connecticut Congresswoman Rosa DeLauro and Iowa Senator Tom Harkin on food safety, Illinois Congressman Luis Gutierrez and Illinois Senator Dick Durbin on the DREAM Act—and long-term educating, organizing and coalition-building by activists, not just in Washington but far beyond the Beltway.

LGBT groups began working to overturn "don't ask, don't tell" soon after it was enacted in 1993. They built momentum with creative campaigning that marshaled not just statistics but the voices of veterans and active-duty soldiers. They worked with groups such as OutServe (the underground network of gay and lesbian actively serving military members) to challenge prejudices and false assumptions that harmed not just gays and lesbians but the military at large.

Food-safety campaigners, in groups ranging from the Center for Science in the Public Interest to Food & Water Watch, put a human face on the debate about food-borne illness, just as they have made the connection between consumer protection and simple justice for the most vulnerable Americans.

Young people who identified as DREAMers courageously stepped forward, risking deportation, to tell their stories during the DREAM Act debate. Established Latinos backed them up

Inside

2 Letters

Editorials & Comment

3 Organize & Educate

4 Capitolism
Fix the Filibuster
CHRISTOPHER HAYES

5 Noted

7 Mobilizing the Jobless
FRANCES FOX PIVEN

Columns

6 Deadline Poet
John Roberts as Umpire: A Reprise
CALVIN TRILLIN

9 Subject to Debate
The Case of Julian Assange
KATHA POLLITT

10 Sister Citizen
When Failure Leads to Success
MELISSA HARRIS-PERRY

Articles

11 The Progressive Honor Roll of 2010
In a tough year, these courageous people and smart ideas shone through.
JOHN NICHOLS

14 What Newark Schools Need
Why won't the Facebook philanthropist build on progress already being made?
DANA GOLDSTEIN

18 Beyond Silver Bullets
The problems facing American education demand solutions, not slogans.
PEDRO NOGUERA AND RANDI WEINGARTEN

24 Conversations With a Myth
In his new memoir Nelson Mandela struggles to overcome his image as a saint.
ARIEL DORFMAN

Books & the Arts

27 RIDEAU: In the Place of Justice: A Story of Punishment and Deliverance
HALLIDAY: Habeas Corpus: From England to Empire
ROBERT PERKINSON

28 from *Snips* (POEM)
ROD SMITH

30 Promontory (POEM)
ARTHUR RIMBAUD (JOHN ASHBERY, TRANS.)

32 Shelf Life
BARRY SCHWABSKY

33 WU: The Master Switch
KELLY: What Technology Wants
PAUL DUGUID

35 Improbable, Incredible
K. LEANDER WILLIAMS

COVER DESIGN BY STEPHEN KLING/AVENGING ANGELS; ILLUSTRATION BY KAREN CALDICOTT

VOLUME 292, NUMBERS 2&3, JANUARY 10/17, 2011
PRINTED DECEMBER 21

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Nation.

EDITOR & PUBLISHER: Katrina vanden Heuvel

PRESIDENT: Teresa Stack

MANAGING EDITOR: Roane Carey
LITERARY EDITOR: John Palattella
EXECUTIVE EDITOR: Betsy Reed
SENIOR EDITORS: Richard Lingeman (*on leave*), Richard Kim
WEB EDITOR: Emily Douglas
COPY CHIEF: Judith Long
ASSOCIATE LITERARY EDITOR: Miriam Markowitz
COPY EDITOR: Mark Sorkin
ASSISTANT COPY EDITOR: Dave Baker
COPY ASSOCIATE: Lisa Vandepaer
WEB EDITORIAL PRODUCER: Francis Reynolds
RESEARCH DIRECTOR/ASSISTANT EDITOR: Kate Murphy
ASSISTANT TO THE EDITOR: Peggy Suttle
INTERNS: Devon Bancroft, Joanna Chiu, Hayes Clark, Ryan Devereaux, Braden Goyette, Neima Jahromi, Jennifer O'Mahony, Laurie Rojas, Laura Stampler (*Washington*), Michael C. Tracey

WASHINGTON: EDITOR: Christopher Hayes; **CORRESPONDENT:** John Nichols

NATIONAL AFFAIRS CORRESPONDENT: William Greider

COLUMNISTS: Eric Alterman, Alexander Cockburn, Melissa Harris-Perry, Naomi Klein, Katha Pollitt, Patricia J. Williams, Gary Younge

DEPARTMENTS: *Architecture*, Jane Holtz Kay; *Art*, Barry Schwabsky; *Corporations*, Robert Sherrill; *Defense*, Michael T. Klare; *Environment*, Mark Hertsgaard; *Films*, Stuart Klawans; *Legal Affairs*, David Cole; *National Security*, Jeremy Scahill; *Net Movement*, Ari Melber; *Peace and Disarmament*, Jonathan Schell; *Poetry*, Peter Gizzi; *Sex*, JoAnn Wypijewski; *Sports*, Dave Zirin; *United Nations*, Barbara Crossette; *Deadline Poet*, Calvin Trillin

CONTRIBUTING EDITORS: Kai Bird, Robert L. Borosage, Stephen F. Cohen, Marc Cooper, Arthur C. Danto, Mike Davis, Slavenka Drakulic, Robert Dreyfuss, Susan Faludi, Thomas Ferguson, Doug Henwood, Max Holland, Michael Moore, Christian Parenti, Richard Pollak, Joel Rogers, Karen Rothmyer, Robert Scheer, Herman Schwartz, Bruce Shapiro, Edward Sorel, Gore Vidal, Jon Wiener, Amy Wilentz, Art Winslow

CONTRIBUTING WRITERS: Ari Berman, William Deresiewicz, Liza Featherstone, Dana Goldstein, Bob Moser, Eyal Press, Scott Sherman

BUREAUS: *London*, Maria Margaronis, D.D. Guttenplan; *Southern Africa*, Mark Gevisser

EDITORIAL BOARD: Deepak Bhargava, Norman Birnbaum, Barbara Ehrenreich, Richard Falk, Frances FitzGerald, Eric Foner, Philip Green, Lani Guinier, Tom Hayden, Tony Kushner, Elinor Langer, Deborah W. Meier, Toni Morrison, Walter Mosley, Victor Navasky, Pedro Antonio Noguera, Richard Parker, Michael Pertschuk, Elizabeth Pochoda, Marcus G. Raskin, Kristina Rizga, Andrea Batista Schlesinger, David Weir, Roger Wilkins

ASSOCIATE PUBLISHER, SPECIAL PROJECTS/WEBSITE: Peter Rothberg
ASSOCIATE PUBLISHER, DEVELOPMENT/ASSOCIATES: Peggy Randall
VICE PRESIDENT, ADVERTISING: Ellen Bollinger
ADVERTISING MANAGER: Amanda Hale
VICE PRESIDENT, CIRCULATION: Arthur Stupar
CIRCULATION MANAGER: Michelle O'Keefe
CIRCULATION FULFILLMENT MANAGER: Katelyn Belyus
PRODUCTION DIRECTOR: Omar Rubio
PRODUCER/WEB COPY EDITOR: Sandy McCroskey
PRODUCTION MANAGER: Timothy Don
NATION ASSOCIATES DIRECTOR: Joliange Wright
NATION ASSOCIATES ASSISTANT: Loren Lynch
PUBLICITY AND SYNDICATION DIRECTOR: Ben Wyskida
EDUCATION/COMMUNICATIONS COORDINATOR: Habiba Alcindor
DIRECTOR OF DIGITAL PRODUCTS: Kellye Rogers
WEB PRODUCER: Joshua Leeman
TECHNOLOGY MANAGER: Jason Brown
CONTROLLER: Mary van Valkenburg
ASSISTANT TO VICTOR NAVASKY: Mary Taylor Schilling
DATA ENTRY/MAIL COORDINATOR: John Holtz
ASSISTANT TO THE PRESIDENT: Kathleen Thomas
RECEPTIONIST/BUSINESS ASSISTANT: Sarah Arnold
ADVERTISING ASSISTANT: Kit Gross
ACADEMIC LIAISON: Charles Bittner

PUBLISHER EMERITUS: Victor Navasky

LETTERS TO THE EDITOR: E-mail to letters@thenation.com (300-word limit). Letters are subject to editing for reasons of space and clarity.

SUBMISSIONS: Queries only, no manuscripts. Go to www.thenation.com and click on "about," then "submissions" for a query form. Queries may be mailed to The Nation, 33 Irving Place, New York, NY 10003. SASE for poems.

INTERNET: Selections from the current issue become available Thursday night at www.thenation.com.

Printed on 100% recycled 40% post-consumer acid- and chlorine-free paper, in the USA.

with announcements that votes for or against the measure would be remembered by the country's fastest-growing major voting bloc.

Most encouraging of all was the willingness of campaigners to see beyond their own causes and recognize the need to stand in solidarity with others. So it was that gay-rights activists talked up the DREAM Act, while DREAMers cheered the repeal of "don't ask, don't tell." That ability to connect on the basis of ideals—compassion, fairness, justice—is going to be needed more than ever in the 112th Congress, where social conservatives and multinational corporations will be more able to block reforms as Republicans take charge of House committees and narrow the margins in the Senate. Winning on Capitol Hill will be harder in 2011 and 2012. But we know from the final victories of 2010 that organizing and educating is not just what we do. It works.

Fix the Filibuster

It's not surprising to hear the current United States Senate described as "dysfunctional," even "constipated." It *is* surprising to hear it described that way by a current United States senator. "When I first arrived here," says New Mexico freshman Senator Tom Udall, "the younger senators…were saying, Why do we do it this way? This is driving us crazy. This place is completely constipated! What's going on here?"

Because the filibuster has foiled so much good progressive legislation over the past two years, the sixty-vote supermajority requirement it imposes has attracted the most attention. But the filibuster is just one face of the cube of dysfunction that is the Senate. Almost as much of a problem are the procedural mechanisms that allow the minority, and in some cases a lone senator, to stall or block legislation that the overwhelming majority of senators would support if only it could come to a vote.

In a recent conference call with reporters, Oregon Senator Jeff Merkley pointed out that the noncontroversial food safety bill, which enjoyed broad bipartisan support, required three separate cloture motions, delaying its passage by a number of weeks and taking up precious floor time. Earlier this year at a briefing with members of the progressive media, Michigan's Debbie Stabenow said that if Harry Reid filed cloture petitions on all outstanding nominees, the time that would require would eat up every remaining second of the 111th Congress. No financial reform, no unemployment extensions. Nothing.

A few weeks ago I met Udall in his office to discuss his plan to rectify the situation, and I was struck by how much his frustrations with the Senate sounded like those I've been hearing ever since I moved to Washington. "What is going on here?" is the question that Senate observers (myself included) find themselves asking time and again. More than anything, the sheer opaqueness of Senate procedures is dangerous to democracy. When legislators can sponsor a bill and brag to constituents about their support for it, then filibuster the motion to proceed on that same bill or require a number of minor-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Noted.

A THREAT TO SOCIAL SECURITY? The debate over **President Obama**'s deal with Senate Republicans to extend Bush-era tax cuts—in exchange for an extension of unemployment benefits—rarely got below the surface for many in the media and in the political class. But there's a reason the most ardent critics of the agreement, which won Congressional approval after major arm-twisting by the administration, were opposed to the bitter end. They were not just worried about tax policies that extend the gap between rich and poor and embrace supply-side Reaganomics; they were specifically concerned about the future of Social Security.

The deal cuts the Social Security payroll tax paid by workers for a year, which means that the government would have to borrow $112 billion to make up the loss. According to a statement from the office of Oregon Congressman **Peter DeFazio**, who led the revolt against the agreement in the House Democratic Caucus, "This sets a dangerous precedent that opens Social Security up to attacks from those seeking to dismantle or privatize it, and is not the type of investment that will create jobs or put people back to work." "At the end of 2011, the Republicans will insist on extending the payroll tax holiday," DeFazio predicts, "and to pay for the extension, it's likely they will demand cuts in Social Security benefits."

All of this comes at a point when Social Security is already in the cross hairs. Incoming House Budget Committee chair **Paul Ryan** has made no secret of his desire to begin the process of privatization, and the president's deficit commission has outlined proposals that could—if Obama's State of the Union address embraces them, as the commission co-chairs hope—set the stage for a brutal debate over the program's future. DeFazio is right when he warns that this is "the first time in seventy-five years, since **President Roosevelt** created Social Security, that opponents of the program are poised to undo the New Deal and turn it into a raw deal for America's seniors, the taxpayers and working men and women." Progressives had better be ready to wage—and win—this fight. JOHN NICHOLS

POWER TO LOW-POWER FM: While much ink has been spilled about the repeal of "don't ask, don't tell," there was another important and hard-fought progressive victory on December 18: Congress passed the Local Community Radio Act. Congress authorized low-power FM (LPFM) radio service in 2000, but restrictive legislation backed by big broadcasters and media lobbyists was passed soon after. The Radio Broadcast Preservation Act of 2000 introduced limitations that made it extremely difficult for new LPFM stations to receive approval. Supporters of the bill claimed LPFM stations would cause interference on high-power FM signals, a claim wholly disproved by a Congressionally mandated and taxpayer-funded study in 2003.

The Local Community Radio Act repeals this legislation, reopening the airwaves to schools, civil rights groups, churches, sources of local music and culture and more. **Candace Clement** of **Free Press**, a nonprofit media reform organization, noted that "the Local Community Radio Act will make it possible for hundreds, if not thousands, of new local radio stations to go on the air."

The bill received bipartisan support, from Pennsylvania Democrat **Mike Doyle** and Nebraska Republican **Lee Terry** in the House and Washington Democrat **Maria Cantwell** and Arizona Republican **John McCain** in the Senate. **President Obama**'s signature on the bill will mark the end of a ten-year struggle to democratize radio and the beginning of a new chapter for low-power advocates.

Hannah Sassaman, a longtime organizer with the **Prometheus Radio Project**, an organization that has fought for noncommercial radio since 1998, said of the victory, "It's humbling to understand that new young people will gain a love of telling stories at the working end of a microphone or at home listening to their neighbors. And it's powerful to know that these stations will launch leaders in every walk of life to change their communities, and this country." KATE MURPHY

OUTRAGEOUS FORTUNES: CEO bonus season is approaching, and despite a 9.8 percent unemployment rate, record-breaking poverty figures and more than 1 million expected foreclosures, top executives are raking in breathtaking sums. Some, like Yahoo's **Carol Bartz**, are doing so while laying off hundreds of employees just in time for the holidays. Bartz earned more than $47 million in total compensation in 2009, and she fired 600 employees on December 14 to "position Yahoo for revenue growth." According to the **AFL-CIO**'s calculations, her salary, bonus and other perks could support 3,131 minimum-wage earners, or 1,473 average workers.

According to a September report from the **Institute for Policy Studies**, executive salaries are soaring across the board, with average CEO pay clocking in at double the 1990s average. The IPS also found that the highest-paid CEOs are the ones who are firing the most people. Schering-Plough's **Fred Hassan**, for instance, made about $50 million in 2009 and laid off 16,000 people between November 2008 and March 2010. American Express's **Kenneth Chenault** made $16.8 million in total compensation last year; the company has fired 4,000 people over the past two years while receiving nearly $3.4 billion in federal bailout money.

It hurts even more when the people earning these kinds of figures are the same ones who helped create the economic crisis. Bloomberg News predicts Goldman Sachs CEO **Lloyd Blankfein** is on track to receive a $24.3 million bonus in stock in January, based on share prices—even though, as **Robert Scheer** puts it, "Goldman Sachs stands accused of selling dubious derivatives that concealed enormous government debt," and sent the global economy into a tailspin. Bank of America president of global banking and markets **Thomas Montag** made $30 million in 2009; now Arizona and Nevada are suing the bank for foreclosure fraud. BofA laid off 35,000 people between November 2008 and March 2010.

Even the heads of companies that are slacking on their bailout repayments are cashing in big. In 2009, AIG CEO **Robert Benmosche** made $2.7 million. ProPublica recently dubbed his company the biggest TARP black hole: the insurance giant received $47 billion from the Treasury and $81 billion from the New York Fed, none of which has been paid back.

Check TheNation.com for a slide show featuring more excessive CEO salaries. BRADEN GOYETTE

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ity amendments they know will spell the bill's demise, they are running an insidious hustle on voters. And they are attenuating the basic democratic bond of accountability between people and their elected representatives.

You can never quite tell who stands where in the Senate because so much of the advocacy and opposition are done in the poorly lit antechambers of procedure rather than on the floor. "The basic idea of the Senate always was that if you wanted to speak out you could," Udall recently told reporters during a conference call. "Now it has been turned on its head. Now opposition is lodged, and you don't know who opposed it. We want to bring these people out of the shadows."

It's taken a while for reporters, activists and members of Congress themselves to notice that the straitjacket of Senate procedure has been so tightened it threatens to suffocate the body. But an unprecedented alignment of experts, activists and senators has, for the first time in decades, put the issue of rules reform on the table. And they're proposing a simple, straightforward way to get it done.

On the first day of the new session the Senate convenes to pass its rules. For decades this has been a pro forma vote, with each new Senate adopting the rules of the last one. Udall's plan is to find fifty-one senators to vote no on adopting the previous set of rules, thereby opening a debate over a new rules package that would address the reformers' concerns and garner fifty-one votes to pass.

Udall calls this approach "the constitutional option" because Article 1, Section 5 of the Constitution declares that "Each House may determine the Rules of its Proceedings." The only way to interpret "each house" on the first day of the Senate, before the body has actually passed a set of rules creating institutions like the filibuster, is as a simple majority. There's some precedent: this approach was tried in 1975, the last time the filibuster was reformed. As vice president, and president of the Senate, in 1957, Richard Nixon issued an opinion that affirmed the ability of a majority of senators to change the body's rules on the first day of the session (the Senate then reversed itself on this procedural point, though lawmakers still voted to reform the filibuster). In a previous lifetime, during the showdown over judicial nominations in the Senate in 2003, Republican John Cornyn wrote a Harvard law journal article making the case.

But in a body as in love with itself as the Senate, such arguments may not matter. The median age of sitting senators is 63, and the old dudes tend to like things the way they are. Retiring Senator Chris Dodd took time in his farewell speech to chide his junior colleagues for their reformist impulses: "Now in my years here, I have learned that the appreciation of the Senate's role in our national debate is an acquired taste. Therefore, to my fellow senators who have never served a day in the minority, I urge you to pause in your enthusiasm to change Senate rules." (When I asked Udall about the speech he said, "He won't be voting.")

Dodd's sentiments are widespread on both sides of the aisle, and Udall says that convincing his fellow senators that they could change the rules—never mind *should*—has been an uphill battle. But he points to support for reform from Tom Harkin, antifilibuster quotes from Joe Biden and Barack Obama and the enthusiasm of his colleagues in the classes of 2006 and 2008 in the Democratic caucus. And on December 21, former Senators Chuck Hagel and Gary Hart issued a bipartisan call for rules reform.

This may not be enough. The window for acting to save the Senate from itself lasts one day, then vanishes for two years. Once the rules have been passed, the filibuster stands in the way of change, as does a two-thirds vote requirement to alter the rules themselves.

Sensing the importance of this moment, supporters of reform have attempted to craft a campaign around changing the rules. A coalition of progressive groups from the AFL-CIO to the Sierra Club have launched a website, Fix the Senate Now (fixthesenatenow.org), which calls for senators to vote for the constitutional option on the first day. Prominent academics have written an open letter in support.

This is not the kind of issue citizens usually lobby for; but the remoteness and obscurity of Senate procedure are what make it such a powerful tool for the country's ruling interests. Changing the way the Senate works is a vital part of the

Calvin Trillin, Deadline Poet

John Roberts as Umpire: A Reprise

"The Roberts court…ruled for business interests 61 percent of the time, compared with 46 percent in the last five years of the Court led by Chief Justice William H. Rehnquist." —*New York Times*

At confirmation hearings he
Described the justice he would be:
Regardless of which law he likes,
He's only calling balls and strikes.
His own beliefs would never trump
Decisions from this honest ump.
Statistics that have just come in
Now show what kind of ump he's been.
Extrapolating from these cases,
Big-business pitchers all are aces.
The unions CEOs all hate
Can never seem to find the plate.
Environmentalists? It's droll
The way control freaks lack control.
Consumers, it is now well-known,
Throw pitches just outside the zone.
Remember, if his record galls,
He's only calling strikes and balls.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

broader project of redistributing power down and away from the small clutch of oligarchs who currently wield it. Either the Senate votes to heal itself when it convenes on January 5, or it consigns itself to two more years of sclerosis.

The most important vote of the 112th Senate will likely be its first.

CHRISTOPHER HAYES

Mobilizing the Jobless

COMMENT

As 2011 begins, nearly 15 million people are officially unemployed in the United States and another 11.5 million have either settled for part-time work or simply given up the search for a job. To regain the 5 percent unemployment level of December 2007, about 300,000 jobs would have to be created each month for several years. There are no signs that this is likely to happen soon. And joblessness now hits people harder because it follows in the wake of decades of stagnating worker earnings, high consumer indebtedness, eviscerated retirement funds and rollbacks of the social safety net.

So where are the angry crowds, the demonstrations, sit-ins and unruly mobs? After all, the injustice is apparent. Working people are losing their homes and their pensions while robber-baron CEOs report renewed profits and windfall bonuses. Shouldn't the unemployed be on the march? Why aren't they demanding enhanced safety net protections and big initiatives to generate jobs?

It is not that there are no policy solutions. Left academics may be pondering the end of the American empire and even the end of neoliberal capitalism, and—who knows—in the long run they may be right. But surely there is time before the darkness settles to try to relieve the misery created by the Great Recession with massive investments in public-service programs, and also to use the authority and resources of government to spur big new initiatives in infrastructure and green energy that might, in fact, ward off the darkness.

Nothing like this seems to be on the agenda. Instead the next Congress is going to be fixated on an Alice in Wonderland policy of deficit reduction by means of tax and spending cuts. As for the jobless, right-wing commentators and Congressional Republicans are reviving the old shibboleth that unemployment is caused by generous unemployment benefits that indulge poor work habits and irresponsibility. Meanwhile, in a gesture eerily reminiscent of the blatherings of a panicked Herbert Hoover, President Obama invites corporate executives to a meeting at Blair House to urge them to invest some of their growing cash reserves in economic growth and job creation, in the United States, one hopes, instead of China.

Mass protests might change the president's posture if they succeeded in pressing him hard from his base, something that hasn't happened so far in this administration. But there are obstructions to mobilizing the unemployed that would have to be overcome.

First, when people lose their jobs they are dispersed, no longer much connected to their fellow workers or their

PUT YOUR MONEY WHERE YOUR MOUTH IS.

APPLY FOR THE NATION CREDIT CARD TODAY.

Now more than ever, *The Nation* needs you. Demonstrate your support with *The Nation* Platinum Visa Card. Every purchase provides much-needed funding for America's oldest weekly magazine. For low interest, no annual fee and Visa Platinum services, become a card-carrying member. A grateful *Nation* thanks you.

The Nation.
Politically Charged Since 1865
SUPPORT THE NATION NOW
HELP US NOW! TRANSFER A BALANCE AT A LOW APR WITH YOUR NATION VISA

APPLY NOW: 1.800.347.7887
ASK FOR THE *NATION* VISA CARD

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

unions and not easily connected to the unemployed from other workplaces and occupations. By contrast workers and students have the advantage of a common institutional setting, shared grievances and a boss or administrator who personifies those grievances. In fact, despite some modest initiatives—the AFL-CIO's Working America, which includes the unemployed among their ranks, or the International Association of Machinists' Ur Union of Unemployed, known as UCubed—most unions do little for their unemployed, who after all no longer pay dues and are likely to be malcontents.

Because layoffs are occurring in all sectors and job grades, the unemployed are also very diverse. This problem of bringing people of different ethnicities or educational levels or races together is the classic organizing problem, and it can sometimes be solved by good organizers and smart tactics, as it repeatedly was in efforts to unionize the mass production industries. Note also that only recently the prisoners in at least seven different facilities in the Georgia state penitentiary system managed to stage coordinated protests using only the cellphones they'd bought from guards. So it remains to be seen whether websites such as 99ers.net or layofflist.org that have recently been initiated among the unemployed can also become the basis for collective action, as the Internet has in the global justice movement.

The problem of how to bring people together is sometimes made easier by government service centers, as when in the 1960s poor mothers gathered in crowded welfare centers or when the jobless congregated in unemployment centers. But administrators also understand that services create sites for collective action; if they sense trouble brewing, they exert themselves to avoid the long lines and crowded waiting areas that can facilitate organizing, or they simply shift the service nexus to the Internet. Organizers can try to compensate by offering help and advocacy off-site, and at least some small groups of the unemployed have been formed on this basis.

Second, before people can mobilize for collective action, they have to develop a proud and angry identity and a set of claims that go with that identity. They have to go from being hurt and ashamed to being angry and indignant. (Welfare moms in the 1960s did this by naming themselves "mothers" instead of "recipients," although they were unlucky in doing so at a time when motherhood was losing prestige.) Losing a job is bruising; even when many other people are out of work, most people are still working. So, a kind of psychological transformation has to take place; the out-of-work have to stop blaming themselves for their hard times and turn their anger on the bosses, the bureaucrats or the politicians who are in fact responsible.

Third, protesters need targets, preferably local and accessible ones capable of making some kind of response to angry demands. This is, I think, the most difficult of the strategy problems that have to be resolved if a movement of the unemployed is to arise. Protests among the unemployed will inevitably be local, just because that's where people are and where they construct solidarities. But local and state governments are strapped for funds and are laying off workers. The initiatives that would be responsive to the needs of the unemployed will require federal action. Local protests have to accumulate and spread—and become more disruptive—to create serious pressures on national politicians. An effective movement of the unemployed will have to look something like the strikes and riots that have spread across Greece in response to the austerity measures forced on the Greek government by the European Union, or like the student protests that recently spread with lightning speed across England in response to the prospect of greatly increased school fees.

A loose and spontaneous movement of this sort could emerge. It is made more likely because unemployment rates are especially high among younger workers. Protests by the unemployed led by young workers and by students, who face a future of joblessness, just might become large enough and disruptive enough to have an impact in Washington. There is no science that predicts eruption of protest movements. Who expected the angry street mobs in Athens or the protests by British students? Who indeed predicted the strike movement that began in the United States in 1934, or the civil rights demonstrations that spread across the South in the early 1960s? We should hope for another American social movement from the bottom—and then join it. FRANCES FOX PIVEN

Frances Fox Piven is on the political science and sociology faculty at the Graduate Center at the City University of New York. She is the author, most recently, of Challenging Authority: How Ordinary People Change America.

With this double issue we bid farewell to 2010. We will not publish the magazine next week, but you can go to TheNation.com for late-breaking news updates.

@TheNation.com

With no tax justice coming from Washington, Brad Lander proposes a more equitable tax structure to save the jobs and social lifelines keeping our communities afloat in **Saving Our Cities With Fair Taxes**.

How sour is Obama's tax deal? On this week's episode of **The Breakdown**, David Cay Johnston joins Christopher Hayes to explain how so-called tax sweeteners included in the compromise will cost taxpayers billions of dollars over the next few years.

While the world's media focused on Haiti's flawed presidential election in November, little attention was paid to the fact that daily life remains a struggle for most Haitians. In **Haiti's Structural Crisis**, James North argues that the country needs profound, revolutionary change.

From Bernie Sanders to Ed Schultz, the most valuable music of the year to the most valuable idea, they're all featured in **John Nichols's Progressive Honor Roll of 2010** slide show.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Katha Pollitt

The Case of Julian Assange

Here's what I've learned so far from the furor over the rape allegations against Julian Assange: when it comes to rape, the left still doesn't get it. The problem is not that many WikiLeaks supporters question the zeal with which Swedish authorities are pursuing Assange. Maybe it's true that an ordinary guy, faced with similar accusations, would have been allowed to slip away quietly once he left Sweden rather than become the subject of an Interpol red notice. (Maybe not, though. The eleven Swedes on Interpol's public red list include people wanted for fraud and other non-spectacular crimes. Much has been made of the fact that only one of these, an alleged child molester, is charged with a sex crime. But the vast majority of wanted people are privately listed, so actually there's no way of knowing if Assange's case is exceptional.) Given that US politicians, from Joe Biden to Sarah Palin, have called for Assange's head, it isn't paranoid to suspect that he is being singled out in order to extradite him to the United States. But it could also be that Sweden is following up because law enforcement officials get mad when world-class celebrities flee the country and then thumb their noses at them—cf. Roman Polanski.

What's disturbing is the way some WikiLeaks admirers have misrepresented the allegations, attacked the women and made light of date rape. It's been known for some time that Assange was accused of using his body weight to force sex on one woman, ignoring her demand that he use a condom, and penetrating the other woman while she slept, also without a condom despite her wishes; but writer after writer has treated the whole thing as a big joke. It was "sex by surprise"—some arcane Swedish thing—wrote Dave Lindorff on Truthout. Plus, Assange didn't tell the second woman about the first and didn't return her phone call. Hell hath no fury like a groupie scorned. Appearing on Keith Olbermann's show after he put up $20,000 to help bail Assange out of a British jail, Swedish rape law expert Michael Moore called the case "a bunch of hooey": "the condom broke during consensual sex." Olbermann made matters worse when he retweeted Bianca Jagger's tweet linking to a blog post by Mark Crispin Miller claiming that Assange accuser Anna Ardin had "interacted" in Cuba with an anti-Castro women's group supported by terrorist and former CIA agent Luis Posada Carriles, and had published anti-Castro "diatribes" in a Swedish magazine. You would think the left would be more sensitive to charges of guilt by association—since when did marching in a demonstration mean you sign on to everything its supporters support? By those lights, everyone who went to an ANSWER-sponsored march against the Iraq War thinks North Korea is a Marxist paradise.

And everyone who believes and promotes the "information" that Ardin is a CIA "honeytrap" is an anti-Semite and a Holocaust denier. Because the original source for that story is one Israel Shamir, writing in *Counterpunch* and vigorously defended by *Counterpunch* editor and *Nation* columnist Alexander Cockburn, who also belittles the accusations as "unsafe sex and failure to phone his date the following day." I spent a few hours on israelshamir.net and learned that: "the Jews" foisted capitalism, advertising and consumerism on harmonious and modest Christian Europe; were behind Stalin's famine in Ukraine; control the banks, the media and many governments; and that "Palestine is not the ultimate goal of the Jews; the world is." There are numerous guest articles by Holocaust deniers, *aka* "historical revisionists." We have now produced on the left an echo chamber like that on the far right, where the scurrilous charges of marginal fanatics are disseminated through electronic media and end up, cleansed of their original associations, as respectable opinion.

The heroic Sady Doyle, a blogger at Tiger Beatdown, gets lots of credit for starting a Twitter campaign that forced Moore and Olbermann to—sort of—back off their sexist chortling. But it's too late: the "revelations" that Sweden has laws against condomless sex and that Ardin is a CIA "honeytrap" are all over the left blogosphere. And it isn't just men who are spreading it. On *The Huffington Post*, Naomi Wolf posted a satirical letter to Interpol, *aka* the "World's Dating Police," repeating the broken-condom falsehood and adding that Assange's crimes include "texting and tweeting in the taxi… while on a date and, disgustingly enough, reading stories about himself online" in the cab. Is this the same Naomi Wolf who wrote a 2004 *New York* magazine cover story accusing Harold Bloom of putting his hand on her thigh twenty years previously? Wolf argues that the accusations against Assange demean the seriousness of rape. In fact, Swedish law does distinguish among degrees of rape, with Assange being accused on one count of the least grave kind. In a much-cited letter to the *Guardian*, Katrin Axelsson of Women Against Rape argued that Sweden's low rape conviction rate proved that Assange was being set up—in 2006, she claimed, only six people were convicted out of 4,000 reported. Not so. "I don't know where they got those figures," Amnesty International's Katarina Bergehed told me by phone from Sweden. "In 2006 there were 3,074 rapes and 227 convictions." (Sweden tracks rape by individual acts, not by number of victims, so its rape rate is lower than it looks.) Bergehed should know: she wrote the Swedish section of the Amnesty report on sex crimes in the Nordic countries that Assange supporters cite as proving that Sweden is the worst place in Europe for rape victims. One reason the Swedish rape conviction rate is low is that, thanks to thirty years of feminist progress, the law defines sexual violence and coercion broadly, but as in other countries, police and juries often do not. The same seems to be true of large swaths of the American left.

WikiLeaks is revealing information citizens need to know—it's a good thing. Assange may or may not have committed sex crimes according to Swedish law. Why is it so hard to hold those two ideas at once? ■

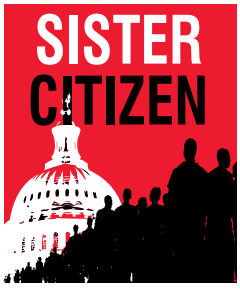
LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Melissa Harris-Perry

When Failure Leads to Success

Barack Obama's candidacy inspired comparisons to change agents like Dr. Martin Luther King Jr., Ella Baker and the Rev. Jesse Jackson. Critics of his presidency have invoked Jimmy Carter and Bill Clinton to portray him as weak and to decry his rightward shift. In my circle of African-American progressive academics and advocates, the name hissed with particular derision recently is Booker T. Washington, who at the turn of the twentieth century publicly articulated his acceptance of segregation, brokered compromises on racial disenfranchisement and emphasized individual effort over structural justice. To equate President Obama with Booker T. Washington is to suggest that the president is willingly complicit in atrocities of inequality.

The age of Washington is most frequently remembered as an age of accommodation, when black people, led by Washington, cowered beneath the descending shadow of Jim Crow. But in her brilliant new book, *Right to Ride: Streetcar Boycotts and African American Citizenship in the Era of Plessy v. Ferguson*, my friend and colleague Blair Kelley alters our understanding of this era. Kelley tells us that the early decades of the twentieth century were not exclusively the story of an accommodating race leader. She details aggressive, organized and courageous protest communities in the South. Far from accepting Jim Crow as a *fait accompli*, journalists, community leaders, laborers and educators coordinated efforts to resist segregation and disenfranchisement. It turns out that the age of accommodation was not so accommodating after all; these decades are better understood as a time of "thwarted resistance," Kelley tells us, "because their protests ultimately failed, their efforts have not been well remembered."



Kelley's scholarship reminds us that accommodation is not the same as failure. The men and women of the early twentieth century were not cowards but activists who were forced to bow to, as W.E.B. Du Bois described it, "superior brute force."

This rendering of the nadir of American racial history forces progressives to rethink some of our criticism of the president and to reconsider our role in his administration. In American political history, thwarted resistance is more common than sweeping social change. Efforts to effect change are likely to meet with years of failure before experiencing even the glimmers of success. And in every decade, change is as much the work of courageous citizens as it is the responsibility of empowered leaders.

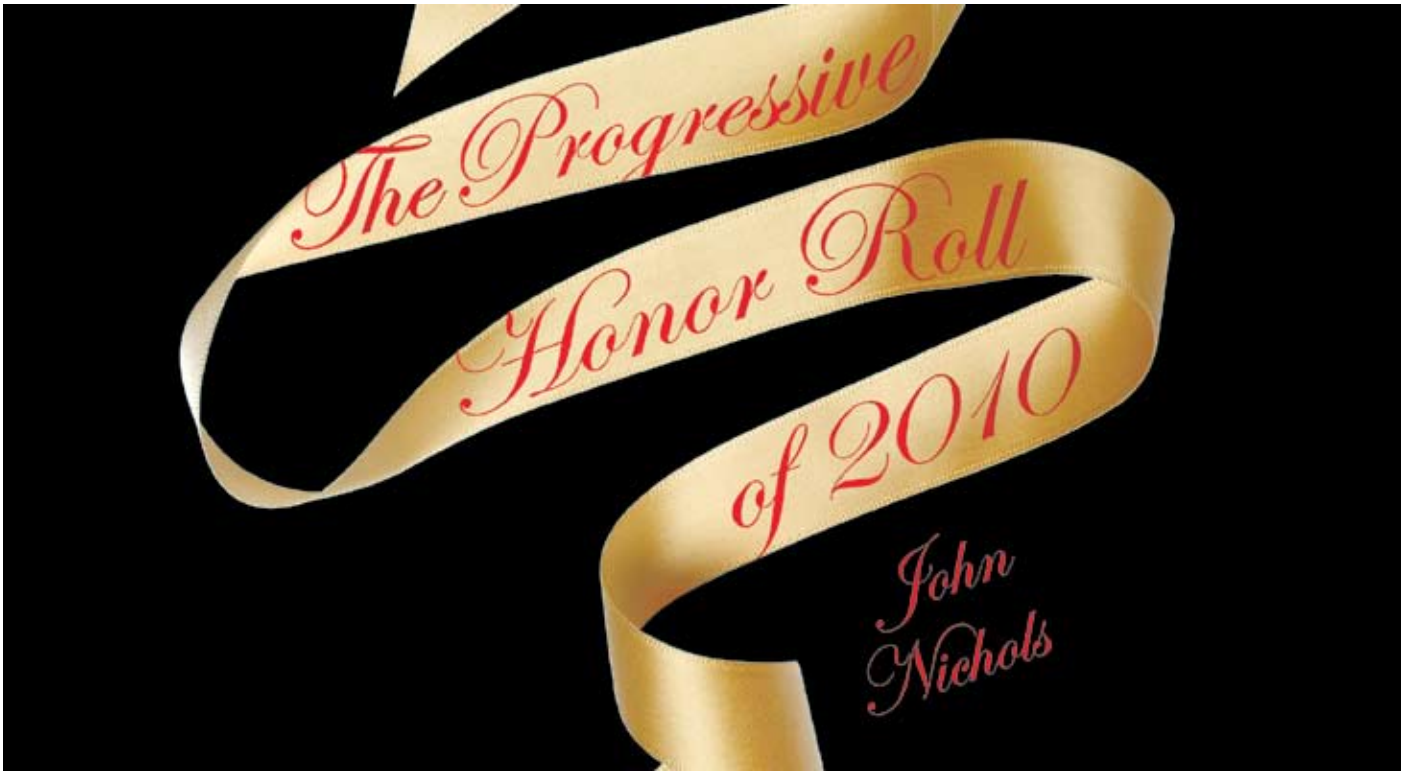
These lessons were readily apparent when the lame-duck Congressional session of 2010 brought with it hard-fought successes, painful losses and the difficult pill of compromise. In a nearly inexplicable bipartisan effort the Senate voted to end the military's homophobic "don't ask, don't tell" policy. Just hours earlier another bipartisan group defeated common-sense immigration policy reform when five Democratic senators joined solid GOP resistance to the DREAM Act. The day before, President Obama simultaneously protected unemployment benefits and likely ensured deepening economic inequality by signing a two-year extension of the Bush tax cuts. The proximity of the win, the loss and the compromise produced whiplash for progressives unsure of whether to applaud or boo the president.

But focusing on the role of President Obama is less important than asking about our own accountability in these outcomes; the real issue is the work of organized citizens. Consider the week's biggest win, the repeal of "don't ask, don't tell." Gay rights activist Frank Kameny led his first protest against the military's exclusion of gay Americans in 1965, so this year's victory was the culmination of forty-five years of struggle. As that battle raged, thousands of soldiers were shamed, silenced, dismissed and disgraced. America lost their talent, skills and contributions. Yet during these years many gay men and lesbians continued to enlist, to shield their identity, to compromise themselves in order to serve. In short, they accommodated to the policy. And even after nearly half a century, repealing "don't ask, don't tell" is an enormous but only a partial win, one that leaves in place discriminatory housing, employment and marriage policies in dozens of states.

These failures and accommodations are not ancillary to struggle; they are the core outcome of struggle. Remember that when Congress passed, and President Johnson signed, the 1964 Civil Rights Act, it was more than fifty years after the protesters Kelley writes about had been repeatedly defeated by the entrenched interests of the segregationist South. The standing ovation belongs less to the legislators of the 1960s than to the crushed movements of the 1900s. These movements failed, but their failures were the groundwork on which the civil rights movement built its success.

The nadir was initiated by the Supreme Court's disastrous decision, in *Plessy v. Ferguson* (1896), to uphold the rights of businesses to segregate based on race. This decision revived Confederate dreams of a white supremacist national order and provided the legal tools to enact it. Our moment is marked by the Court's landmark decision to uphold the election spending rights of corporations in *Citizens United*. In its wake, the next Congress will feature a well-financed Republican House majority buoyed by a vocal right-wing populist movement and a newly emboldened and fiercely obstructionist minority in the Senate. Arguably, progressives are facing a "superior brute force." It is an era that will undoubtedly produce failures and likely require accommodations. But failure is not an excuse to stop struggling or a reason to deride those who must, and who will, sometimes bow to the opposition. Kelley's reassessment of the nadir encourages us to measure accomplishment with a long view, to judge first our willingness to sacrifice and refuse to denounce as cowards those who fail today so that we can win tomorrow. ■

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



In a tough year for progressives, these courageous people and smart ideas shone through.

The year 2010 will not be remembered as a halcyon year for progressives. But in such years the truest believers and battlers stand out all the more clearly, and patterns are set for the victories of the years to come. Here, then, are the Most Valuable Progressives of 2010:

MOST VALUABLE SENATOR: Bernie Sanders

When Vermont's Bernie Sanders waged a nearly nine-hour December filibuster against extending tax breaks for the rich, he capped a year of not just taking the right stands but acting in a bolder—and invariably more effective—manner than any other senator. Sanders is an independent who caucuses with the Democrats, but this year the emphasis was on independence. He parted with the White House and Congressional leaders to push harder and smarter on issues ranging from media consolidation and the defense of small farmers to healthcare reform and financial regulation. During the healthcare debate Sanders argued mightily for single-payer and a public option. He got neither, but he did secure a provision doubling the number of Federally Qualified Health Centers, which should increase the number of patients receiving primary care at these centers by at least 18 million during the coming decade. Later in the year he amended the final financial services reform bill to require the Federal Reserve to disclose its secret arrangements to aid the nation's largest banks. This "lifting the veil of secrecy at the Fed," as Sanders referred to it, revealed that big banks and multinational corporations collected an estimated $3.3 trillion in "emergency" loans and other assistance even as they refused to restructure mortgages or make loans to small businesses in Vermont and other states.

Principled and populist, yet practical enough to get things done, Sanders points the way for progressives in the next Congress by reminding them they can win if they address the stark reality that "there is a war going on in this country…a war being waged by some of the wealthiest and most powerful… against the working families of the United States of America, against the disappearing and shrinking middle class."

MOST VALUABLE REPRESENTATIVE: Keith Ellison

Minnesota's Keith Ellison, a former civil rights lawyer and state legislator, is still identified as "the first Muslim elected to Congress." But the Congressman is making a name for himself as a progressive leader with global reach. Frequently called into action by the State Department (not just by Hillary Clinton but also by Condoleezza Rice), Ellison has a higher international profile than all but a few House members; he uses it to remind the global community—and Americans—that "religious tolerance has a much longer pedigree in America than some of the intolerance we've seen lately." His unprecedented visit to Gaza was followed this year by a call on President Obama to do more to ease the blockade of the Palestinian territory. Evenhanded and diplomatic in his approach, Ellison argued that "fulfilling the needs of civilians in Israel and Gaza are mutually reinforcing goals."

Despite his unique role when it comes to foreign policy, Ellison pulls no punches. In July he was one of thirty-eight House members who voted to direct the president to remove US armed forces from Pakistan; he also opposed Obama's Afghanistan surge, arguing that Congress should "reject the idea that our country can continue to spend hundreds of billions of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

taxpayer dollars on a decade of war, rather than investing in jobs, education and infrastructure for America's working families." That savvy balancing of international and domestic concerns will be one of many strengths Ellison brings to his new role as co-chair of the Congressional Progressive Caucus.

MOST VALUABLE GRASSROOTS ACTIVISM: National People's Action

Its activist roots run four decades deep, but National People's Action came into its own after the financial meltdown, when it emerged as the boldest challenger of abuses by big banks, mortgage lenders, credit card companies and payday loan operations. With its "Showdown in America" campaign, the network of two dozen state and regional activist groups (including Iowa Citizens for Community Improvement, Grass Roots Organizing in Missouri and Denver's Rights for All People/Derechos Para Todos) has led the fight to prevent foreclosures on working families by banks that collected billions of federal bailout dollars. Committed to direct action, NPA takes victims of predatory lenders into the suites of corporations that prey on the poor. Unsettled by NPA's cries of "Make Wall Street Pay" and "People Before Profits," Glenn Beck decries it as a "dangerous group." Bill Moyers gets it right when he says NPA's "popular insurgency" is a modern manifestation of populism and renews "a grassroots movement for democracy."

MOST VALUABLE ONLINE ACTIVISM: Progressive Change Campaign Committee

"We're trying to teach Democrats how to fight," says Adam Green, co-founder of the Progressive Change Campaign Committee, which a year after its founding has shaken the Democratic establishment with unblinking demands that President Obama and Congressional leaders stand on principle rather than compromise. That's earned PCCC and its allies condemnation from White House press secretary Robert Gibbs (who gripes about the "professional left") and an expletive-laden dismissal from former chief of staff Rahm Emanuel. But on issue after issue—healthcare, banking, the Obama/GOP tax-cut deal—the group has pushed Democrats to throw punches rather than throw in the towel. Bridging the enthusiasm gap, PCCC signed up 650,000 "bold progressives" on its e-mail list and backed its campaigning with TV ads. As with Progressive Democrats of America, PCCC's independence is its strength. At a time when it's clear what Republicans stand for, PCCC holds that Democrats can excite their base and win only if they are equally clear—and uncompromising on core values.

MOST VALUABLE ACTIVIST: Carlos Saavedra

"I saw families broken apart, but yet we kept fighting!" shouts Carlos Saavedra, as the dynamic national coordinator of the United We Dream Network rallies backers of the Development, Relief and Education for Alien Minors (DREAM) Act. The bill would have given undocumented students who graduate from US high schools an opportunity to earn conditional permanent residency and a chance to pursue higher education. In a year that saw outrageous anti-immigrant politicking, Saavedra kept hope alive for the DREAM Act, which in December passed the House with a bipartisan majority. (It stalled in the Senate, but even Republicans say a version of the measure should be included in any comprehensive reform.)

Born in Peru, Saavedra immigrated at age 12 and got his start as an organizer with the Student Immigrant Movement in Massachusetts, where he led campaigns to secure in-state tuition for immigrants, prevent deportations and register all ten Massachusetts Representatives as co-sponsors of the DREAM Act. As a national organizer, Saavedra mixes facts and emotion, recounting heartbreaking stories of dreams deferred, with links to civil rights struggles of the past and an unapologetic call to action: "We're undocumented and unafraid!"

MOST VALUABLE TV VOICE: Ed Schultz

One of the most remarkable moments during the healthcare debate came when MSNBC's Ed Schultz interviewed Dennis Kucinich about his decision to vote for legislation the Ohio Democrat had condemned as a handout to big insurers. The give-and-take between Schultz and Kucinich, both backers of the single-payer "Medicare for All" approach rejected by the Obama administration, was electric, filled with emotion yet nuanced in its recognition of the moral and political pressures faced by progressives. Again and again in 2010, Schultz highlighted not just partisan divisions but the frustrations that surfaced as Democratic members of Congress wrestled with questions of when to support a Democratic president and when to object. The most populist of MSNBC's hosts, Schultz shows his anger not just with right-wing "psycho talk" but with Democratic double talk. A proudly independent "lefty," Schultz highlights members of Congress and activists who criticize compromises, especially on bread-and-butter issues. That makes his show energetic, and often newsworthy, as when Sanders raised the prospect of filibustering the tax deal on the program. Yet Schultz keeps things fun; his one-man crusade to hold Dick Cheney to account for political and corporate wrongdoing mocks the former vice president who famously wounded a hunting partner as "Shooter." Schultz does good television, and good politics.

MOST VALUABLE RADIO VOICE: Patt Morrison

On her Southern California public radio show, *Los Angeles Times* columnist Patt Morrison takes apart complicated issues—tax policy, the mortgage crisis, net neutrality, food-borne illness—and rearranges them as accessible topics that citizens can debate and address. Morrison's two-hour daily program raises the quality of the discourse with savvy and unexpected guests, from student activists to IMF researchers to Supreme Court Justice Ruth Bader Ginsburg. Morrison is not afraid to stick with an issue as it evolves; her coverage of the DREAM Act debate in particular, and immigration issues in general, brought the skills of a beat reporter to radio. Of all the regional radio shows that should go national, this one tops the list.

MOST VALUABLE AUTHOR: Wendell Potter

Wendell Potter, former vice president of corporate communications with insurance giant CIGNA, now a fellow with the spin-busting Center for Media and Democracy, used media appearances and testimony before Congressional committees

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to expose the dark manipulations of fact that insurance firms use to preserve for-profit healthcare. Then he put it all on paper with a terrific book, *Deadly Spin: An Insurance Company Insider Speaks Out on How Corporate PR Is Killing Health Care and Deceiving Americans*. The book revealed how the industry tried to discredit Michael Moore before the release of his film *Sicko*. One of the year's most powerful television moments came when Moore questioned Potter about it all on MSNBC's *Countdown With Keith Olbermann*.

MOST VALUABLE MUSIC:
Next Stop Is Vietnam: The War on Record, 1961–2008

Great songs are being written about today's wars; just listen to Neil Young's poignant "Love and War" on the album *Le Noise*, or Dar Williams's rendering of "Empire" on her new collection, *Many Great Companions*. But the year's boldest musical project was *Next Stop Is Vietnam*, the stunning thirteen-CD collection of 334 songs and spoken-word tracks (many forgotten or never really known) that chronicles the war and its aftermath. The accompanying book includes a warm and thoughtful introduction by Country Joe McDonald and a moving oral history (by authors Doug Bradley and Craig Werner) with veterans discussing the power of song.

MOST VALUABLE IDEA: Amend the Constitution

Conservatives know the power of proposing constitutional amendments. Even when they don't succeed, amendment campaigns educate people about issues and get them engaged at the local, state and national levels. In recent years progressives have been cautious about the Constitution. But after the Supreme Court's *Citizens United* decision freed corporations to use their immense resources to buy elections, two groups responded with aggressive challenges to the notion that businesses should enjoy the same rights as citizens. Free Speech for People, a campaign sponsored by Public Citizen, US PIRG, Voter Action, the Center for Corporate Policy and American Independent Business Alliance, seeks to counter the Court's move with "a constitutional amendment of our own that puts people ahead of corporations." (Representative Donna Edwards has introduced an amendment, with backing from outgoing Judiciary Committee chair John Conyers.) Another group, Move to Amend (with support from Progressive Democrats of America, the National Lawyers Guild and the Women's International League for Peace and Freedom, among others), proposes a broader "multi-year movement to amend the Constitution" that would use state legislative resolutions to force Congressional action on "democracy amendments" or schedule a constitutional convention. These campaigns are capturing the imaginations of activists. By year's end, Move to Amend had almost 100,000 signers.

MOST VALUABLE LEGISLATIVE PROPOSAL:
Let Wall Street Pay Act

Official Washington is obsessed with deficits. How should progressives respond? Oregon Congressman Pete DeFazio's got a notion: the "Let Wall Street Pay for the Restoration of Main Street Act." Backed by the AFL-CIO, consumer groups and top economists (including the *New York Times*'s Paul Krugman), financial transaction tax proposals are not new. But DeFazio's plan is specific and well drawn; it would apply a small tax to stock transactions; "options" contracts that allow speculators to buy or sell particular assets; and credit default swaps, which bet on the failure of bonds and loans. Even with exemptions to protect average investors and pension funds, DeFazio's tax would generate $150 billion a year—half directed toward job creation, half to deficit reduction. DeFazio has attracted thirty-one House co-sponsors and a key Senate ally, Tom Harkin. That's a start. But when the next Congress takes shape, this measure should not just be reintroduced; it should be positioned as the smart alternative to destructive cuts proposed by new House Budget Committee chair Paul Ryan.

MOST VALUABLE STATE LEGISLATOR:
Kyrsten Sinema

There are plenty of outspoken Arizona progressives, but few speak as loudly—or as boldly—as Sinema. In 2006 the openly bisexual legislator chaired Arizona Together, the first successful campaign to beat a state ballot initiative banning same-sex marriage; in 2008 she chaired Protect Arizona's Freedom, the coalition that defeated a ballot initiative to eliminate equal opportunity programs; in 2010 the former social worker in Phoenix immigrant and refugee communities emerged as a thoughtful critic of Arizona's draconian anti-immigrant legislation. Sinema dismissed the push for the state measure as a crude "strategy on the part of the right" and detailed how the law undermined civil liberties, made it harder for police to do their jobs and discouraged battered women from seeking help. The media-savvy Sinema warned national activists: "Be careful…your state could turn into Arizona very quickly." On her home turf, voters elected the term-limited state rep to the Arizona Senate.

MOST VALUABLE LOCAL OFFICIAL: Kitty Piercy

Activism to address global warming suffered when November election results gave increased power to climate-change deniers in Congress. But that isn't stopping progressive mayors from acting. Along with fellow members of the Mayors Innovation Project, Eugene, Oregon, Mayor Kitty Piercy has promoted the US Mayors Climate Protection Agreement, now backed by more than 800 local leaders. One of her first projects after her 2004 election was a Sustainable Business Initiative that encourages the growth of businesses that produce sustainble products while promoting green building, recycling, natural food, alternative fuel and alternative energy development. With purchases of hybrid vehicles and the use of biodiesel fuel, Eugene has decreased its city CO_2 emissions by 10 percent, and the community recently developed a broader plan to cut carbon.

In addition to her environmental activism, Piercy champions LGBT rights, women's rights and child-welfare initiatives. Active with US Mayors for Peace and Women's Action for New Directions/Women Legislators' Lobby, she shows up at peace rallies to declare: "Some may scorn our local efforts to change national priorities, but I, like you, believe in the power of our city, the fierce grassroots power of our people to do what needs to be done." ■

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

What Newark Schools Need

Why won't the Facebook philanthropist use his gift to build on progress already being made?

by DANA GOLDSTEIN

When Lenore Furman teaches, it looks like magic. Her seventeen kindergarteners at Abington Avenue, a public elementary school in Newark, New Jersey, are rapt as they sing along with Furman's guitar in English and Spanish, read aloud in unison a paragraph on the change of seasons from fall to winter and learn a list of difficult vocabulary words related to animal hibernation: burrow, perch, trudge and slither. The children gather in a circle to share stories about their lives, then work independently to write them down in full sentences.

But Furman's methods aren't magic, and they rely only partly on her innate talent for teaching. Her singalongs, read-alouds and writing lessons are all part of a research-backed system developed by the Children's Literacy Initiative, a Philadelphia-based nonprofit that has won a $22 million grant from the Obama administration to bring its teacher training program to fifteen Newark elementary schools. There's evidence that CLI's program works: several of the Newark schools using its techniques, including Abington Avenue, are among the highest-performing schools in the city, and their students—almost all of them from impoverished backgrounds—routinely meet or exceed state test score averages in math, reading and science.

CLI's results are especially exciting in light of the latest research on reading and the achievement gap, showing that a child who finishes third grade reading below grade level has little chance of ever catching up to his or her peers and a disproportionate chance of dropping out of high school. To reach the rest of Newark's kindergarten through third-grade classrooms in thirty-six schools, though, CLI will need more funding. Former New Jersey legislator and assistant commissioner of education Gordon MacInnes, now a fellow at the Century Foundation, believes scaling up CLI would be an excellent use of the much-hyped $100 million five-year donation to the Newark schools from Mark Zuckerberg, the 26-year-old founder of Facebook and thirty-fifth richest person in America.

"I would tend to say, Why don't we use this money to make sure that every third grader in Newark can read?" MacInnes says. "If every third grader can read, there's a chance they can go on to be educated in science, history and mathematics."

Despite success stories like CLI's, the Newark schools have been portrayed as almost uniquely terrible since Zuckerberg's donation was announced September 24 on *The Oprah Winfrey Show*. In press appearances celebrating the donation, New Jersey governor and rumored GOP presidential hopeful Chris Christie, who has addressed state budget deficits in part by cutting $819 million in education spending, has repeatedly called the performance of the Newark school system "an obscenity." The city needs "an entirely new plan" for education, Christie told Winfrey. Zuckerberg chimed in that Christie and Newark Mayor Cory Booker will be able to "implement new programs in Newark and really make a difference," thanks to the grant.

RICH SCHULTZ/AP

Newark Mayor Cory Booker and Facebook CEO Mark Zuckerberg in Newark, September 25

None of the men mentioned Newark's pre-existing six national Blue Ribbon schools, cited for excellence in closing the achievement gap, nor have they pledged to scale up or replicate promising reform programs already operating in the city, such as the Global Village Zone, an effort to coordinate instruction, teacher coaching and family social services in seven high-need neighborhood schools in the city's Central Ward.

The public conversation about the Zuckerberg donation—which, even with its intended matching grant, will equal only about 4 percent of the district's $940 million budget each year for five years—ignored the cyclical nature of education reform in Newark since the 1960s, when the district first experimented with "schools within schools" and, in 1971, became the site of the longest teachers union strike in an American city. "National foundations and all sorts of nonprofits and entrepreneurs and hedge-fund people have all thought, when they have an idea they think would work, Gee, let's do it in Newark," MacInnes says. "That creates one of the real problems, which is that Newark is always willing to open its bank account to receive outside funds and start projects to try out these ideas, but that is all done in a setting where there's very little coherence."

One of those rare coherent moments in education policy occurred in New Jersey in 1985, when the State Supreme Court ruled in *Abbott v. Burke* that Trenton must equalize funding between New Jersey's richest and poorest school districts and provide supplemental programs for the most dis-

Dana Goldstein is a Spencer Education Journalism Fellow at Columbia University. Previously, she was an associate editor and writer at The Daily Beast *and* The American Prospect.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

advantaged kids. With the billions of extra dollars that flowed from this and subsequent court rulings, Newark and thirty other high-poverty districts launched universal preschool and full-day kindergarten and provided greater access to social workers, computers, in-school meals, summer programs and intensive small-group reading instruction.

The system was regarded as a national model. According to a recent report from the Schott Foundation, during the years of full *Abbott* implementation, from 2003 to 2008, Newark was the national urban leader in closing the high school graduation gap between black and white males. Seventy-five percent of the city's black male students graduated from high school in 2008, compared with just 41 percent of black males in Washington and 28 percent in New York City—the two districts whose school reform policies are most often cited as models by Mayor Booker and his staff, who admire New York's vibrant charter school sector and Washington's controversial new teacher merit-pay program.

In 2008 the New Jersey legislature changed the school funding formula to send extra dollars to every district with high-poverty students, not just to those that, like Newark, are overwhelmed by the challenges of poverty. Additional budget cuts under Governor Christie resulted in a total loss of $1.1 billion annually for Newark and the other high-poverty districts—a number that dwarfs the size of the Zuckerberg gift.

"The mayor has never done the kind of community support for the *Abbott* funding that he's doing now for this donation," says Stan Karp, director of the Secondary Reform Project at the Education Law Center, which brought *Abbott v. Burke* to court. "It's a concern, because *Abbott* did result in some really fundamental change."

Indeed, for a man fashioning himself as a national education reformer, Christie is surprisingly ignorant of *Abbott*'s track record. At a press conference with Zuckerberg and Booker on September 25, he referred obliquely to the Education Law Center, which has recently questioned the legality of the Zuckerberg donation, as those who have "sued the state's education system into failure. Candidly, I don't give a damn what those people think."

Newark's overall academic performance remains low. Ninety-eight percent of the system's graduates who attend local community college end up needing some kind of remedial education. But it is clear that there has been consistent improvement in Newark over the past decade. In 2000, just 33 percent of Newark's fourth graders passed the state math exam; in 2009, 54 percent passed. Over the same period, fourth-grade reading scores went up 39 points and eighth-grade math scores increased 22 points.

"To suggest we're a complete failure would be a disrespect to the district and the people of the city," says Newark school advisory board president Shavar Jeffries, reflecting on media coverage of the Zuckerberg donation. "This really wasn't rooted in the community. At some level, it's absurd for the people of Newark to hear about important changes being made that affect children, and the way you find out is to watch *Oprah* at 4 PM.... Given that kind of cacophony, it's very easy

THE NATION IS TOO BIG FOR THE PAPER IT'S PRINTED ON

Did you know your subscription to *The Nation* gives you free admission to the larger world of TheNation.com?

Go to thenation.com/access, enter your subscription account number (it's on your address label) and create a user name. Once is enough: you're aboard for the life of your subscription.

You'll get immediate unlimited access to our archive, which dates back 145 years, and to web-only features, blogs and analyses of breaking news that won't fit within the pages of the magazine. You can make use of any and all of these services:

WEB LETTERS Reader letters published in real time, from real people, including (if you like) you.

SLIDE SHOW Pictures tell the story, plus links to related *Nation* articles.

AROUND THE NATION A progressive calendar of political, social and cultural events in every community.

TEACHING GUIDE *The Nation* Classroom offers reading, research and writing assignments for college and high school.

NATION POLLS Who's the worst president ever? *The Nation* answers questions Gallup may not ask.

NATION ARCHIVE Searchable exact page images from over 6,000 weekly issues; dates back to July 1865.

TheNation.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A) There's this magazine you love.

Use the enclosed card, or call toll-free 800-333-8536

B) And all these friends & relations you love.

C) Isn't it likely that (B) will also love (A)?

D) By the way, we've got a fabulous gift card we will send to (B) announcing your thoughtful present.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to tell the usual story. We're talking about urban kids, black kids, brown kids, everything must be a failure. There's a missionary spirit that will obviously grate on people."

Zuckerberg, Christie and Booker have been vague about their plans for the new funding stream, but the Facebook founder has said it is Booker's passion for school reform that inspired him to make his first foray into large-scale philanthropy. "Newark is really just because I believe in these guys," Zuckerberg said on *Oprah*, referring to Booker and Christie.

Though Booker has no official control over his city's public schools, whose superintendent has reported directly to the state education commissioner since 1995, he is a longtime national advocate for a certain brand of school reform: mayoral control, opening new charter schools, providing vouchers for inner-city children to attend private schools, weakening teacher tenure and tying teacher evaluation and pay to student test scores. He sits on the advisory board of Democrats for Education Reform, which lobbies for such policies, and the $40 million raised so far to match Zuckerberg's $100 million grant comes from donors with a similar focus, including Bill Gates; NewSchools Venture Fund board member John Doerr, a Silicon Valley venture capitalist; and New York City banker Ravenel Curry and his wife, Elizabeth, who have a history of supporting school choice efforts and libertarian think tanks, including the Manhattan Institute and Cato Institute. Booker's older brother, Cary, is the co-founder of Omni Schools, a Memphis-based charter school operator.

It is widely acknowledged that Booker aspires to gain mayoral control of Newark's public school system, New Jersey's largest, with more than 40,000 students. According to state law, that can happen only if the state education department returns local control to the Newark school board. Then the city's voters must approve or reject a referendum on mayoral management. By reeling in a fish as big and rich as Zuckerberg, Booker is making the case to his constituents and to the Republican administration in Trenton that it's high time to return Newark to local control—and his own capable hands.

But on the ground in the city, there are competing visions for education reform. Booker and his allies in the charter school sector could be contrasted with a group of organizations that focus less on opening new schools and more on improving classroom curriculum and instruction in the neighborhood public schools, which educate 86 percent of Newark's children. Caryn Henning, who leads the Children's Literacy Initiative's teacher coaching program in the city, says, "We'd be very excited to have Cory Booker come in and see one of our model classrooms so he can see what is possible.… The neighborhood schools educate the majority of the city, and a lot of them are doing a good job. You need to look at whether what's going on can be replicated anywhere"—not just in charter schools, which tend to have more engaged parents and, in Newark, fewer special education students than in traditional public schools (5 percent versus 12 percent); charter schools also have a less mobile student population, with just 10 percent of their students moving during the school year, compared with 20 percent in the neighborhood schools.

Mayor Booker's critics say he has demonstrated little sustained interest in Newark's neighborhood schools. His defenders cite several projects Booker has worked on in tandem with traditional public schools, such as the Alternative High School Partnership, an effort to serve dropouts, and the YES Center, which connects at-risk public school students with job training. Lauren Wells, director of the Global Village Zone—a project based in part on the wraparound services of Geoffrey Canada's Harlem Children's Zone, except that it partners with neighborhood schools instead of charters—says, "Our work has been very broadly supported by Newark Public Schools and the mayor's office."

The Global Village Zone has raised about $300,000 from foundations, but its goal is to reorganize existing public school resources to serve kids better—proving along the way, hopefully, that education reform can be done without relying on oodles of private dollars: "to actually demonstrate that sustainable and comprehensive reform requires that you do it within the public system," says Wells.

Despite success stories, Newark's schools have been portrayed as almost uniquely terrible since Zuckerberg's donation was announced.

But when Zuckerberg visited Newark on September 25, Booker chose to show him a charter school, the KIPP Newark Collegiate Academy, rather than any of the neighborhood public school programs his administration has supported. Almost every close observer expects the Zuckerberg funds to be devoted, at least in part, to opening new charters—and the mayor's office confirms that this is one likely outcome.

"Booker has not said to the people of Newark, 'Here is my plan,'" notes Junius Williams, director of the Abbott Leadership Institute and a veteran Newark civil rights and public education advocate. "But the circumstantial evidence is his love of charter schools and school choice. So, many of us think the plan has already been written and a good portion of that money will be spent to begin a new round of charter schools."

"I think it's a prepackaged agenda," says Wilhelmina Holder, a paralegal and parent activist who graduated from the city's Weequahic High School in 1969 and has put her three children through the Newark public schools. "No one is giving you money unless you have a design. Come on, let's keep it real here. I think [the Zuckerberg money will be used] not to support public schools but to minimize public schools and build up this whole charter network."

Booker insiders note that the city's charter schools are a popular, oversubscribed option, with more than 6,000 children on waiting lists. But "at the end of the day, the majority of our kids attend district schools, and we understand we need to show progress and significant advancement on the district side," says

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

De'Shawn Wright, a former Booker education adviser and partner at the Newark Charter School Fund. "That's the priority and where we are going to focus the majority of our efforts."

Booker has undoubtedly observed with interest the public relations snafus that have plagued school reform efforts in New York and Washington under mayors Mike Bloomberg (with the Cathie Black fiasco) and Adrian Fenty (erstwhile patron of lightning rod Michelle Rhee). He knows he needs to tread carefully around community affection for and investment in even low-performing schools. To that end, he has chosen to use the first $1 million of the Zuckerberg matching grant to create the Partnership for Education in Newark (PENewark), a coalition of community groups that will conduct a two-month survey of as many Newarkers as possible, asking them how they would spend the Zuckerberg funds. The group is harvesting e-mail addresses, airing TV commercials, making T-shirts and organizing focus groups. But Wright says it will ultimately be up to Newark's incoming superintendent of schools—likely to be named in January by Christie, with input from Booker—to define the education reform agenda moving forward. The new superintendent must be a "coalition builder," Wright says, "somebody who is willing to hear from the community and can demonstrate that the community's voice has been heard, even if his or her final determination is not always 100 percent aligned with those views expressed."

Williams, of the Abbott Leadership Institute, is skeptical of PENewark's outreach efforts, which are led by two New York City consulting firms with ties to the Bloomberg administration, Tusk Strategies and SKDKnickerbocker, which also represents Rhee. "Those of us who've been in the community and involved in this whole question of school reform for years, not just months, I think we already know what people want," Williams says. "They want a good school, a safe school. They want to feel welcome in that school as parents, and they want a teacher who knows what he or she is doing and is culturally sensitive. I don't think you're going to find too much variation on that theme. So what are you going to do with that information once it comes in?"

A newly formed coalition of parents, teachers and civil rights activists called the Coalition for Effective Newark Public Schools is undertaking its own survey. Teams of volunteers are visiting every school in the district, asking principals and assistant principals how quickly maintenance repairs are performed, whether students have enough textbooks and other supplies, whether teachers are teaching outside their areas of expertise and whether there are enough social workers. It's a more practical, nuts-and-bolts effort, designed to get neighborhood schools the basic help they need in a climate of budget cuts and political hostility to public institutions.

Whatever happens to the Zuckerberg money, Lenore Furman, the Abington Avenue kindergarten teacher, hopes she won't have to buy her own classroom supplies anymore. "I spend an infinite amount of my own money," she sighs. "Whatever impact the donation has, I'm always hoping people are making decisions that directly impact learning and instruction." ■

Beyond Silver Bullets

The problems facing American education demand solutions, not slogans.

by PEDRO NOGUERA AND RANDI WEINGARTEN

Some of today's leading school "reformers" claim that the primary cause of the ills affecting American education is a glut of bad teachers, and that the unions that represent them are the major obstacles to progress. How does this viewpoint square with what is happening in our schools?

Consider New Haven, Denver and Newark. All three are large urban districts that are creating partnerships with teachers and their unions that will serve as a framework for a new era of school reform. In Newark, the teachers union signed an agreement that will make it possible for six high-needs schools in the city to operate on a longer school day. In Denver and New Haven, teachers unions are working out agreements with school administrators that place great emphasis on providing support to teachers and working collaboratively with them to raise student achievement. The key to such agreements is flexibility in work schedules, teacher assignments and evaluation. In all three districts, qualitative and quantitative measures of academic performance will be used to evaluate teachers and to make decisions about pay and placement.

KAREN CALDICOTT

The agreements demonstrate that when district leaders are open to working with teachers and their unions, progress can be made toward improving public schools. This may come as a surprise to those convinced that such fruitful collaboration is impossible. A manifesto by Joel Klein (outgoing schools chancellor of New York City) and Michelle Rhee (formerly of Washington), published in the *Washington Post* in October,

Pedro Noguera, a professor of sociology at New York University and a Nation *editorial board member, is the author of* City Schools and the American Dream *and co-editor of* Unfinished Business: Closing the Racial Achievement Gap in Our Schools. *Randi Weingarten is president of the American Federation of Teachers.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

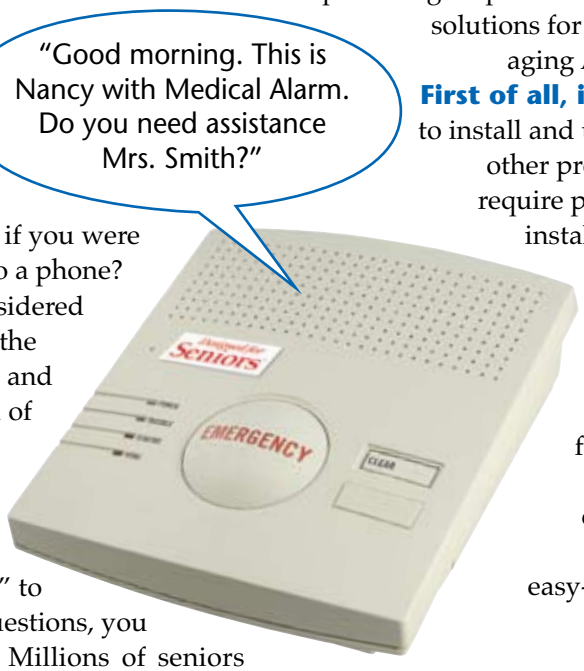
FREE GIFT valued at $35

"New medical alarm can save you money …and save your life!"

The Designed For Seniors® Medical Alarm provides emergency notification that is simple, reliable and affordable. It's simply the best value on the market today.

- *Free shipping*
- *Free activation*
- *No equipment cost*

Are you concerned about being helpless in an emergency? Are you and your loved ones anxious about what would happen if you were unable to get to a phone? Have you considered moving out of the home you love and into some kind of assisted living because of these worries? If you answered "yes" to any of these questions, you are not alone. Millions of seniors are concerned about their safety. There are products out there that claim to help, but they are difficult to use and even more difficult to afford. Why mess with complicated installations and long term contracts when there's a product that's simple, reliable and affordable? The product is the *Designed For Seniors®* Medical Alarm. Read on and we'll explain why every senior in America should have one. What will you do in case of an emergency? If you have a *Designed For Seniors®* Medical Alarm, all you do is push a button, and you'll immediately get the help you need, quickly and reliably. That's because it has been "designed for seniors" by the industry leader in providing helpful and affordable solutions for millions of aging Americans.



First of all, it's simple to install and use. Unlike other products that require professional installation, this product is "plug and play." The unit is designed for easy use in an emergency, with large, easy-to-identify buttons.

It's reliable. From the waterproof pendant to the sophisticated base unit, to the state-of-the-art 24/7 call center, the entire system is designed to give you the peace of mind in knowing you are never alone in an emergency. You get two-way communication with a live person in our Emergency Response Center, and there's a battery backup in case of a power failure.

Best of all, it's affordable. You get the complete system for only pennies per day. No equipment charge, no activation fee, no long term contract. Call now and within a week you or someone you love will have the peace of mind and independence that comes with this remarkable system.

Simple, reliable, and affordable

	Competition	Designed For Seniors® Medical Alarm
Equipment Cost	$30-$300	✓ FREE
Activation	$10-$30	✓ FREE
Contract	1-2 Years	✓ NONE
UL Approved Call Center	Some	✓ YES
Senior Approved™	No	✓ YES
Warranty	Varies	✓ LIFETIME
Free Shipping	?	✓ YES

Be one of the first 100 to order and get FREE Shipping and a FREE Gift– valued at $35. It's yours to keep.

Designed For Seniors® *Medical Alarm*

Please mention promotional code 41786.

1-877-683-5068

www.DFSmedicalalarm.com

firstSTREET for Boomers and Beyond®

1998 Ruffin Mill Road
Colonial Heights, VA 23834

56788 Copyright © 2010 by *first*STREET for Boomers and Beyond, Inc. All rights reserved.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

said, "The glacial process for removing an incompetent teacher…has left our school districts impotent and, worse, has robbed millions of children of a real future." Similarly, articles in *Newsweek* and *Time* have singled out teachers unions as the scourge of public schools. The movie *Waiting for Superman* even suggested that it is because of teachers unions that American students lag behind their peers in other countries.

A close look reveals a much more complicated picture. Concerns about the state of public education are not unwarranted, but there is no evidence that the presence of unions impedes academic success in American schools. Consider this: in states like Massachusetts and Minnesota, where public schools are heavily unionized, students earn the highest scores on the National Assessment of Educational Progress, the standardized exam known as the nation's report card. In contrast, students in states such as Mississippi, Louisiana and Arkansas, which have few if any teachers union members and virtually no union contracts, have the lowest NAEP scores. What's more, in almost all the nations that outperform the United States in education, teachers are unionized and teaching is a respected profession.

One can reject the idea that unions are the cause of the problems that beset schools and still know that schools need significant reform.

One can reject the idea that unions are the cause of the problems that beset schools and still know that public schools need significant reform. Signs of trouble are pervasive and impossible to ignore: high dropout rates in most major cities, a decline in the percentage of students enrolling in college and a steady decrease in academic performance in math and science, particularly when our students are compared with students in other wealthy nations. However, to bring about the necessary changes, we must treat unions as partners rather than adversaries in the reform effort.

When one looks closely at the policies the United States has pursued over the past ten years to improve public education it is easy to understand why there has not been greater progress. Despite the promises, fads of the day and splashy slogans, we continue to leave millions of children behind. Rewarding a few states for agreeing to adopt measures the administration regards as essential to reform has convinced the public that we have embarked on a race to the top, when we have not. Policy-makers continue to pursue silver-bullet solutions, such as small schools, high-stakes testing and performance pay for teachers—some of which have no evidence of their effectiveness—while ignoring the more substantive issues that have much more influence over the quality of education. What we should be focused on are basic issues: How do we ensure that all teachers are well trained in content and pedagogy, and are able to develop relationships with an increasingly diverse array of students? How do we make sure that school leaders have the skills and resources to keep our schools safe and to maintain conditions for good teaching and learning? What do we do to motivate students not merely to pass tests but to become life-long learners who seek out knowledge and information long after the tests are over? How do we make sure that parents do their part to support their children and reinforce the importance of education at home? These have always been the most critical issues confronting American education, but increasingly they are ignored in favor of the faddish reforms pursued by our policy-makers.

As we scan the education landscape it is clear that challenges abound in a variety of schools, but the most acute are in schools located in urban and rural communities where poverty is concentrated. In too many cases, poor children attend schools that are unable to meet their academic needs. In some cases this may be because of low expectations or professional incompetence, but generally this is not the only issue. The most recent PISA (Programme for International Student Assessment) sources that compare the performance of students in sixty-five nations in reading, math and science show the United States slipping further behind a number of less wealthy nations. In the top-performing countries, teachers are well prepared, supported and respected; there is shared accountability; they have a common curriculum; and they create conditions for student success. And the countries that outperform the United States are closing achievement gaps among groups of students—by focusing on what students need to succeed and allocating resources accordingly. Not surprisingly, the United States performed poorly on this measure.

As a nation, we have largely abandoned the effort to create schools that are integrated in terms of race and class. Our policy-makers rarely acknowledge that the social isolation of the poor is even a problem, despite the frequent proclamation that "education is the civil rights issue of the twenty-first century." Richard Kahlenberg of the Century Foundation points out that "95 percent of education reform is about trying to make high-poverty schools work." We pursue this goal even though we have a long history and a vast body of research to show that most reforms enacted in our public schools have failed to achieve it.

In many of the most disadvantaged schools, the non-academic needs of poor students—for health, housing and a variety of social supports—are often unmet. Invariably, when the basic needs of children are ignored, the task of educating them is much more challenging. Acknowledging that poverty and related social issues can make the job of educating children more difficult does not mean we believe that poor children are incapable of achieving at high levels. There are many examples of excellent schools that serve poor children. There are also a number of poor children who have been able to use education to overcome obstacles related to poverty and who have accomplished great things. But to ignore the fact that the effects of poverty pose formidable obstacles to academic achievement and healthy development is worse than naïve; it shows blatant disregard for the enormous challenges that poor children and their families face.

Many schools have found ways to create the conditions

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A floor lamp that spreads sunshine all over a room.

The Balanced Spectrum® floor lamp brings many of the benefits of natural daylight indoors for glare-free lighting that's perfect for reading.

Ever since the first humans built a fire in their dark cave, people have realized the importance of proper indoor lighting. But ever since Edison invented the light bulb, lighting technology has, unfortunately, remained relatively prehistoric.

Modern light fixtures do little to overcome problems associated with improper lighting. As more and more of us spend longer and longer hours in front of our computer monitor, these problems are compounded. And the effects of improper indoor lighting are not necessarily limited to a physical problem: the quantity and quality of light can also play a part in both our mood and work performance.

Studies show that sunshine can both lift your mood and enhance your energy levels. But as we all know, the sun does not always shine. Now, however, there's a solution to the problem–a way to bring the positive benefits associated with natural daylight indoors. The **Balanced Spectrum® floor lamp** will change not only the way you see, but also the way you feel about your living and work spaces. It brings the benefits of natural daylight indoors, simulating the full spectrum of daylight.

The **Balanced Spectrum's** 27-watt compact bulb is brighter than a 100-watt ordinary light bulb. With the lamp's sharp visibility, you will see with more clarity and enjoyment in close tasks such as reading, writing, sewing, and needlepoint.

You don't need the sun to get the natural benefits of daylight

- ***See with clarity and enjoyment***
- ***Creates natural, glare-free light***
- ***Provides sharp visibility***
- ***Flexible gooseneck design***
- ***Instant-on, flicker-free light***
- ***Pays for itself in energy savings over the life of the bulb***

Experience sunshine indoors at the touch of a switch. This amazing lamp is not only easy on the eyes, it is easy on the hands as well, featuring a special "soft-touch, flicker-free" rocker switch that is easier to use than traditional toggle or twist switches. And its flexible gooseneck design enables you to get light exactly where you need it. The high-tech electronics, the user-friendly design, and a bulb that lasts 10 times longer than an ordinary bulb–all these features make the **Balanced Spectrum® floor lamp** a must-have.

Technology revolutionizes the light bulb

- ***8,000 hours bulb life***
- ***Energy efficient***
- ***Shows true colors***

Try the Balanced Spectrum® floor lamp for the best value ever! Now more than ever is the time to spread sunshine all over the room in your home at this fantastic low price! The Balanced Spectrum® floor lamp comes with *first*STREET's exclusive guarantee. Try this lamp for 90 days and return it for the product purchase price if not completely satisfied.

This light can change the way you live and work

It provides excellent lighting which is very close to true daylight. The lamp itself is light enough to be moved easily around a room and an office. The glare-free characteristics provide a very non-stressful illumination for prolonged reading.
–Stanley G., M.D.

As soon as I turned on the lamp and began to read the newspaper I could see the wonderful difference. This lamp is just what I needed. Thank you so much.
–Donna E.

I am a Happy Camper. Once again I can decipher these pesky little numbers on a crossword puzzle. No more filling in 35 Across when it should have be 38 Across. Can you imagine the frustration avoided? Moreover, I can enjoy again a paperback with small print. My reading options have increased.
–Jack W.

Dozens of testimonials on file.
Results may vary.

Balanced Spectrum® floor lamp ..... was ~~$59.95~~

Call now for $10 instant savings!

Only $49.95 each + S&H

*Order two Balanced Spectrum® floor lamps and get **FREE shipping** on both lamps.

*Free shipping within the contiguous 48 states only.

Please mention promotional code 41785.

For fastest service, call toll-free 24 hours a day.

1-888-741-2013

We accept all major credit cards, or if you choose, you can pay by check over the phone. To order by mail, please call for details.

www.balancedspectrum.com

firstSTREET for Boomers and Beyond®

1998 Ruffin Mill Road
Colonial Heights, VA 23834

Copyright © 2009 by *first*STREET for Boomers and Beyond, Inc. All rights reserved.

41479

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

whereby poor children can excel. Some of these high-performing, high-poverty schools are traditional public schools staffed by teachers who belong to unions—like PS 126 in New York City and Frazier Elementary School in Chicago, where children excel on most measures of learning, even though they are poor. There are also a small but significant number of school districts—like Montgomery County, Maryland; Gwinnett, Georgia, and Charlotte-Mecklenburg, North Carolina—where disparities in achievement among students of different race and class backgrounds have been reduced substantially. The success of these schools serves as proof that under the right conditions children of all backgrounds, even the most disadvantaged, can achieve.

Our policy-makers rarely acknowledge that the social isolation of the poor is a problem, even as they say that education is a civil rights issue.

In light of such evidence, the debate we should be having is about why this success isn't being replicated on a much larger scale. We should be strategizing over how districts and state education departments can provide more effective support to schools that exhibit signs of chronic failure rather than prescribing untested turnaround remedies. We have been drawn into a debate over whether unions are obstacles to change, and in some communities we have become consumed by protracted battles over whether to release the names of teachers with their students' test scores, while large numbers of schools continue to founder.

What we should be doing is trying to find ways to ensure that low-income children have access to quality early-childhood education, because a vast body of research has shown that providing support during infancy can have long-term benefits to a child's intellectual development. We should be doing all we can to provide additional resources to poor schools to extend learning opportunities during the summer and after school, and we should be doing everything we can to ensure that children receive an enriched education where creativity, higher-order thinking and problem-solving ability are nurtured.

Rather than focusing on strategies to alleviate or at least mitigate the effects of poverty, our policy-makers remain fixated on the idea that schools can be improved simply by raising academic standards and applying more pressure. Former Assistant Education Secretary Diane Ravitch has characterized the current debate over the future of education as a new ideological orthodoxy. Without a shred of evidence to back their claims, a new batch of so-called reformers and their allies in the media have asserted that charter schools are superior to traditional public schools (the research shows some are, but most aren't), that mayoral control is an inherently better form of governance than locally elected school boards and that ending tenure for teachers and evaluating them based on student test scores are the most powerful instruments that could be used to improve instruction and hold teachers accountable. The "reformers" have doggedly stuck to these claims even when evidence has countered their assertions, and they have disparaged those who challenge them as "defenders of the status quo."

A steady stream of news articles, documentaries and television reports have succeeded in keeping education near the top of the policy agenda, when it would have been so easy for other issues (the economy, healthcare, war, etc.) to take up all the available air space. However, the increased attention is a mixed blessing. It has enabled some schools to attract additional resources—like Mark Zuckerberg's $100 million donation to Newark Public Schools, Goldman Sachs's $20 million donation to the Harlem Children's Zone and the growing number of wealthy individuals who have chosen to give large sums of money to schools (especially charter schools) across the country—but those who have dedicated their lives to educating children, namely teachers, have been marginalized and even silenced. Increasingly, the direction of education is being determined by CEOs, politicians and hedge-fund managers, while parents and communities are treated as little more than consumers, and teachers as disposable workers.

If public education is to serve as a vital national resource in the twenty-first century, one that can meet the needs of an increasingly globalized economy and a diverse population, changes in policy and practice are needed. This is true in poor communities where failure rates are high and in middle-class suburban areas where too many schools are simply mediocre. In addition to adopting standards, we must find ways to ensure that the curriculum stimulates critical thinking and inspires students to set ambitious goals for themselves. We must use technology to provide students access to cutting-edge information and to facilitate a more personalized approach to learning. We must also be willing to transform the nature of teachers' work so that the primary professionals charged with educating our nation's youth are prepared to make crucial decisions to meet the learning needs of children every day. Teachers must be included as partners and collaborators in reform. Instead of being regarded as pawns who can be manipulated by know-it-all managers and "experts" who conceive and implement reforms without ever setting foot in a classroom, teachers must be acknowledged as crucial front-line actors whose knowledge and skill will determine whether progress will be made.

A central focus of reform efforts must be on systemic and sustainable strategies for improving the quality of instruction all students receive. We recommend that the following ideas be considered in the lively debate over the future of American education:

1.) Teaching is a combination of art and skill that can take years to master. For this reason we must ensure that new teachers learn their craft through solid training, mentoring and extended induction programs. There must also be a commitment to provide continuing education for all teachers, just as we do for professionals in other sectors where the nature of the work is constantly changing.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

2.) The tenure process can be made more rigorous by including evidence of teacher effectiveness based on multiple measures of student learning.

3.) The process for removing teachers who are ineffective must be expedited through agreements with union locals. We must ensure due process in the evaluation of teachers so that the decision to remove a teacher is not arbitrary; but once a determination has been made, the teacher should be promptly removed and replaced. The American Federation of Teachers has proposed ways of fixing the broken evaluation system so it becomes a mechanism to improve instruction, as well as assess how teachers and schools are doing in a fair and comprehensive way. More than fifty districts and their union partners across the country have already begun implementing this new use of teacher evaluation.

4.) We must focus on improving conditions for teaching and learning by keeping class size low, especially for the most disadvantaged students, and providing supplemental support (tutors, mentors and intervention specialists) for children who require more assistance.

5.) We must address disparities in funding between schools and districts, to ensure that all children have access to the resources that maximize their opportunity to learn.

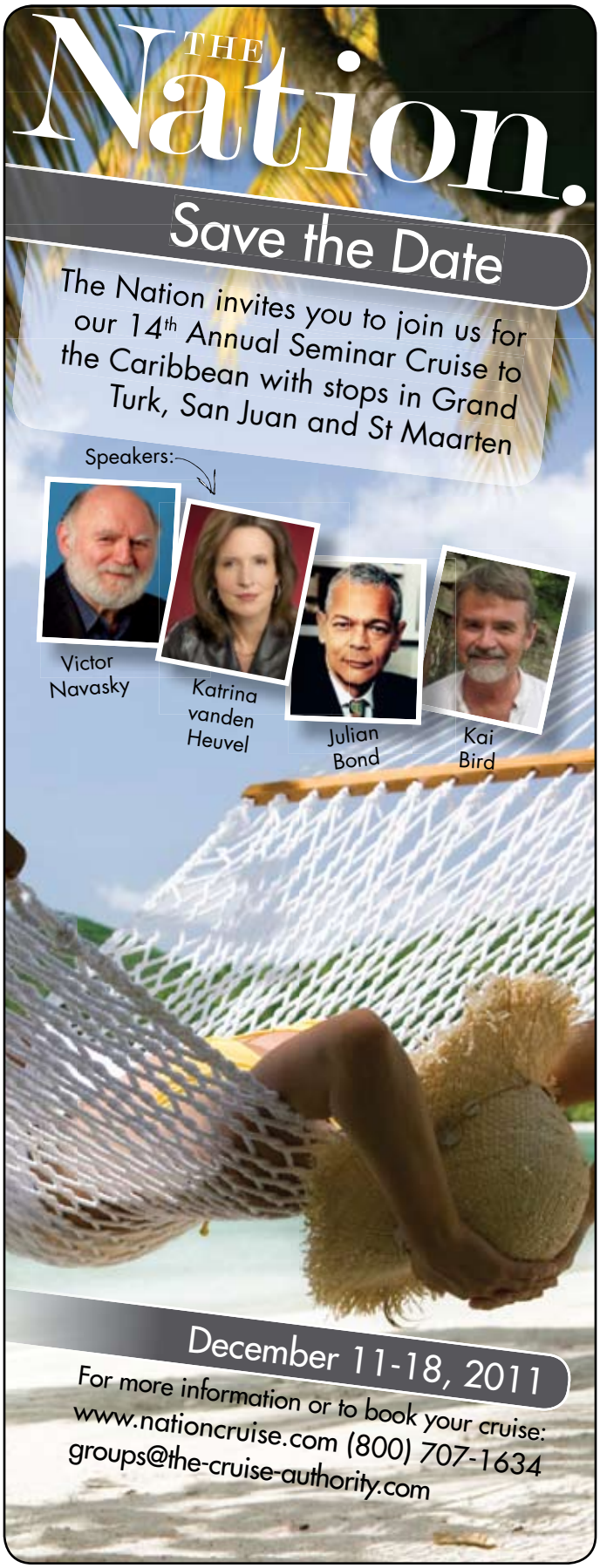
6.) A coherent curriculum that is aligned with state or national standards should be provided in all schools. Such a curriculum should be designed to promote higher-order thinking skills, creativity, problem-solving and opportunities for children to see how knowledge can be applied in the real world.

7.) Whenever practical, teachers should be involved in decision-making processes related to the focus and content of the curriculum, the design of academic programs and the organization and structure of the school day.

There are undoubtedly lots of other ideas that should be considered as we contemplate how to revitalize our schools, but we hope that these can serve as the starting point for a substantive and constructive debate. Any such effort must engage parents as partners in the educational process and enlist the broad public and key social institutions (including foundations, hospitals, churches and nonprofits). Only through such partnerships can children be assured access to social workers, psychologists, healthcare, mentors and the other forms of social and emotional support that are known to be vital to healthy development.

Most important, we must take steps to ensure that the "public" remains part of public education. This includes building transparency into the way schools are financed and managed, and engaging in open discussion and debate about what it will take to ensure that all students receive the education they need and deserve.

Ultimately, progress will be made when all actors—including politicians, reformers, policy-makers, unions, parents and teachers—stop pointing fingers and begin accepting responsibility for their respective roles in the educational process. The record shows that constructive—as opposed to antagonistic and polarizing—approaches to reform are what lead to success in public schools. ■


THE Nation.
Save the Date
The Nation invites you to join us for our 14th Annual Seminar Cruise to the Caribbean with stops in Grand Turk, San Juan and St Maarten
Speakers:
Victor Navasky
Katrina vanden Heuvel
Julian Bond
Kai Bird
December 11-18, 2011
For more information or to book your cruise:
www.nationcruise.com (800) 707-1634
groups@the-cruise-authority.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Conversations With a Myth

In his new memoir Nelson Mandela struggles to overcome his image as a saint.

by ARIEL DORFMAN

Beware sainthood. Everybody wants a piece of you. Just ask Nelson Mandela.

On the final page of his monumental and intriguing new book, *Conversations With Myself*, undoubtedly the last he will publish under his name, he offers us this closing message: "One issue that deeply worried me in prison was the false image that I unwittingly projected to the outside world: of being regarded as a saint." And he adds, "I was never one, even on the basis of the earthly definition of a saint as a sinner who keeps on trying."

This sacrosanct image was deliberately built by the African National Congress as a way of personalizing the struggle against apartheid in one man who had already become something of a legend, a "Black Pimpernel," during his clandestine years as head of the ANC's armed wing. It helped that Madiba (his clan name) incarnated an exemplary story of rural and tribal boyhood, adolescent rebellion against discrimination and an increasing commitment, as an adult, to social justice and nonracial politics, all of which culminated in the 1963–64 Rivonia trial, where he and seven of his co-defendants were sentenced to life imprisonment. Mandela's story became even more of a model when, over the next twenty-seven years, he withstood with exceptional nobility the most extreme forms of humiliation exacted upon him and his faraway family.

If Prisoner 46664 could not but acquiesce in this inevitable promotion of his heroic persona during the Manichaean battle against an oppressive regime, once he was liberated into a shifty world of nuances and illusions, Mandela was to discover how difficult, almost impossible, it was to undermine his own aura. His life story turned out to be foundational during the grueling transition to democracy, when he often had to intervene with one side or the other to avoid chaos and further bloodshed.

One needs to recognize—as Madiba incessantly does—that the crucial protagonists of this emancipatory epic were the people of South Africa, inspired and led by countless militants, most of them anonymous and many of them unrewarded and forgotten once democracy was attained. But it is safe to suggest that this is one of those cases where one individual changes the path of history. The end of the racist South African regime is simply inconceivable without the moral capital and charisma Mandela had accumulated during his prison years. As a symbol of dignity and resistance he was, well, irresistible; but the compassion he showed once he was released, the ability to speak to his enemies and bring them to the table, his disposition to forgive (but never to forget) the terror inflicted on him and his people, his willingness to see the good in others, to trust their deepest sense of humanity and honor, turned him into the sort of ethical giant that our species desperately needed in a petty era of devastation and greed. Such a halo can, however, be just as confining as an island where every move and word is guarded.

It is, I believe, in order to escape from that bubble that Mandela has authored (though "authorized" might be a more appropriate word) this new attempt at self-definition, these conversations with himself.

The book is a project Mandela had been nursing for a long time. As he approached the end of his five breathless years as president (he served only one term, which further enhanced his stature in a continent where strongmen perpetuate themselves eternally in power), he sat down one October day in 1998 and wrote out a first chapter of what he termed a sequel to his autobiography, *Long Walk to Freedom*. That was, however, as far as he went. The subsequent years were hectic and overwhelming, both in the South Africa then governed by Thabo Mbeki and in a distressed world where Mandela's planetary stardom foisted on him a leading role in every imaginable humanitarian cause and crisis. By the time an 85-year-old Madiba decided to step away from public life in 2004, he no longer had the energy to spend hours scribbling away to convince readers that he was as "ordinary" as they were, just one more of so many "men and women who are full of contradictions, who are stable and fickle, strong and weak, famous and infamous, people in whose bloodstream the muckworm battles daily with potent pesticides."

But if age, that relentless enemy, denied him the vigor to complete this task, another solution was at hand. His retirement in 2004 coincided with the creation, inside the foundation that bears his name, of the Center for Memory and Dialogue, where the dispersed documentation of Mandela's existence was to be amassed, classified and contextualized. Soon enough, Verne Harris, the foundation's archivist and head of its memory program, realized that a book—the sort of down-to-earth self-portrait that Mandela desired to leave behind—might well be culled from the massive materials. It was an arduous task, even with Madiba's blessing (but not his direct intervention). It would take a terrific team assembled by Harris six years to shape a select number of evocative passages into a chronological montage that would eventually become the book.

Mandela's obsession with memory is well-known, most notably his insistence that apartheid was a crime against remembering, that it was essential not to allow the minority owners of the land and the law and the word to determine the story that was to be told. Because this battle against collective oblivion has been paramount in the history of South Africa, it is easy for the public to lose sight of a parallel labor of love that threads through his existence, how this fighter for liberation has incessantly strained to remember his past, preserve it for the future. It is what first came to my mind when, during a 2010 trip to South Africa to

Ariel Dorfman, a Chilean-American author who teaches at Duke University, wrote, among many other works, the memoir Heading South, Looking North. *His Mandela Lecture can be read or viewed at nelsonmandela.org.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

deliver the eighth Nelson Mandela Annual Lecture, I visited the treasure trove containing his documents in a well-secured room deep inside the Mandela Foundation in Johannesburg.

To reach that sanctuary one must descend a wide circular stairway to an underground floor, then pass a gantlet of glass-lined offices until a bolted door is reached, behind which a vast collection of memorabilia awaits. It's all there, from the earliest photos and identity cards to the letters from prison and the clandestine manuscripts smuggled out of Robben Island. And nearby repose his passports and diaries and marked-up calendars, an endless array of memorandums and interviews and tapes of conversations and scribbled notes.

Though only a smidgen of these could be consigned in *Conversations With Myself*, readers have been made to feel as if they were tiptoeing through that archive, miraculously eavesdropping on a medley of Mandela's thoughts and emotions, just a skip and a heartbeat away from the very soul of the man. Each carefully chosen paragraph and episode exudes closeness, the sense that the text has come to us unadulterated, just as the great man wrote or spoke it. This experience of intimacy is heightened by reproductions in the book of correspondence and pages from notebooks, some with corrections from his own hand. Just to give one telling example, Mandela writes that his comrades had "raised him from obscurity to become [an] enigma." But in the original draft, replicated in facsimile, we notice that the author originally wrote "hero," then crossed that word out and substituted "enigma." This struggle over one word embodies the dilemma Mandela faces at the end of his life. As he revises his own words, his own life, he understands that the process of turning him into a hero had ended up making him an enigma.

A similar access to a vulnerable Mandela comes from a fascinating assortment of transcripts of conversations with his two main collaborators on *Long Walk to Freedom*. It is notorious that this autobiography, secretly composed on Robben Island, was a collective work, discussed, amended and vetted by Mandela's fellow captives. Madiba has acknowledged that his autobiography, published in 1994 to coincide with his inauguration as the first freely elected president of South Africa, would not have been possible without the help of Achmed Kathrada, his comrade from his Robben Island days, and Richard Stengel, his editor; but what the public could not know until now was the extent and thoroughness of that work. One of the treats of *Conversations With Myself* is to be able to listen in on the sessions where reminiscences are examined for potential errors, and details are clarified and altered, calling attention to the book as an artifact—like Mandela himself—born of a dynamic process of naked back and forth, give and take. This is an icon who laughs, hems and haws, gossips, disagrees, arbitrates, accepts he's mistaken, insists he's right, wonders what happened to such and such, is reminded that it would be kind to look up a former guard and see how he is doing or tone down the polemics used to describe a rival.

If these flickers of banter are the most enjoyable part of the book, it may well be because they are so fresh and unguarded. As soon as Mandela starts to wield the pen, a certain formality creeps in. If this is typical of written words in contrast to oral language, in his case I suspect that it feeds on a natural decorum that has been his inner companion since childhood, that responds to the deepest core of his being. This is a man who has built his image on trust and transparency and yet, perhaps for that very reason, is absolutely adamant about protecting his privacy. *Conversations With Myself* has no tidbits that readers would expect in tell-all confessions. Only two pages of a book that is more than 400 pages long approach the issue of sexuality. When asked whether he was bothered by the possibility that his wife, Winnie, might have had love affairs while he was serving a life sentence, he answers very simply that this is a question that "you know…one had to wipe out of his mind."

Unsurprisingly, this profound reserve was exacerbated during his prison years, when every sentence in every letter was inspected by his jailers. One of the more chilling aspects of reading Mandela's Robben Island correspondence is that you can almost hear the overseers turning the page, skimming through

DEBBIE YAZBEK/NMF

Ariel Dorfman with Nelson Mandela, Johannesburg, July 2010

the contents of what was not meant for their eyes, probing into what only his loved ones should be reading. And yet this correspondence also breathes a dignity so fierce that it's heartbreaking. It is almost as if, even in the darkest hours, even when there seemed to be no expectation that he would ever be freed, even the day he received news of the death of his son or the passing of his mother or the detention and then solitary confinement for eighteen months of Winnie, even as he wrote letters he knew might not be delivered—even then, especially then, he was imagining a tomorrow when his every expression would carry weight and meaning, would be meticulously scrutinized not by wardens but by his fellow citizens and possibly, who knows, a worldwide audience. Even so, I doubt he could have anticipated the day when a book like *Conversations With Myself* would be published in multiple languages and twenty-two countries.

There is another, perhaps even more remarkable, aspect of those letters from Robben Island. As we read, we can guess how Mandela has factored the censors in. He is also writing to them, through them, boring into them—you can almost discern their presence in his mind, his certainty that these custodians can be shamed by his words about their cruelty and lack of the most common decency. You realize how he performs a theory of liberation for that sentinel audience; you catch a glimpse of how he is educating his jailers despite

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

their prejudices. And a glimpse, as well, at how he is educating himself, preparing for the task of bridging the racial and class divide that threatened to destroy South Africa. How he is becoming Nelson Mandela.

Maybe that is why he is so disturbed by his transformation into a saint. It was not because he was removed from others, removed from evil, removed from the weaknesses of a frail humanity, that he prevailed. It was by plunging into what was negative in himself and the aching world around him that he was able to develop "whatever is good," as he puts it in his book. How to do this? One word keeps cropping up, over and over: integrity. His own integrity and his confidence that it exists in everyone on this planet, no matter how harshly hidden by fear and intolerance, and that if you appeal to the best in others, they will, ultimately, respond. But they will do so only if they sense that you are being true to yourself and your values, your desire for a more just and humane world, that you are ready to draw a line in the sand of history.

It is a message that his country needs to heed once again. His wondrous South Africa that is again in danger of losing its way. His land that will soon have to face a long century of renewed struggle for solidarity and truth and peace without Madiba's guiding presence. The need to face up to that looming absence leads us to the unspoken and hidden heart of this book. Mandela is saying goodbye.

What to say back to him? How to best honor his legacy, his wisdom, his generosity? I can only respond with the last words I offered this 92-year-old man at the end of our conversation in Johannesburg a few months ago. Accompanied by his wife, Graca Machel—who is graciousness personified—and Achmat Dangor, the eminent novelist who has postponed his own literary work in order to serve as chief executive of the Nelson Mandela Foundation, we chatted with Madiba for a good hour. About Allende and Chile, about his parents, about Mandela Day, about how the latest wave of xenophobia in South Africa pains him, about the recent loss of his great-granddaughter. Age has slowed him down, but his dignity is majestically intact, and I was glad to note how a mischievous twinkle lit up his eyes now and again. I was aware that his health might not allow him to attend the lecture in his honor I was to deliver a few days later, and that this might indeed be the last time I would ever see him, that this would be the last chance to thank him for what he has done, for who he is. So when we bade farewell, I told him, with perhaps excessive solemnity, that he should rest.

"For a long time, you have carried your country, you have carried the world, you have carried me," I said. "Now it is time that we carried you." And then, not letting go of my hand, Nelson Mandela smiled.

So that's the answer: if we can learn how to carry him into the future, we will be blessed by his smile. Can we ask anything more of this man who, fortunately for himself and the world, is not, after all, a saint? ■

Letters

(continued from page 2)

crosses to the east, with riddling reference to the hollow of the cup…." I take this to mean that the sun has to get back from the west to the east each night in order to ride from there in his cup each morning, so he accomplishes this covertly while everyone is asleep and the lights are out. The "skimming" is this nightly transit, not his diurnal journey in the conventional direction.

Anne Carson

Charity Robs the Treasury

San Mateo, Calif.

Hoo-rah for David Nasaw's "The 'Giving' Season" [Dec. 6]! Charitable contributions do often directly or indirectly benefit the donors. Nasaw also raises the question of who should "make basic decisions about our schools, healthcare institutions and cultural priorities." I strongly support his preference for such decisions being made by a democratically elected body.

Let me add that this deduction is even more regressive than he said, because wealthy donors may contribute appreciated assets. These contributions get special treatment: the donation is deducted from ordinary income at appreciated value with no capital gains tax paid.

Donald T. Elliott

Baton Rouge, Louisiana

David Nasaw obscures important issues by equating "every $100 donated to charity" with "$35 less to the Treasury." Those of us working toward the Gulf Coast's recovery from Hurricanes Katrina and Rita and the BP disaster know that the nonprofit sector does work that the government either will not or cannot do. In the immediate aftermath of the storms, small community organizations and faith-based groups were first on the scene. While state and federal governments were still strategizing, local (underresourced) nonprofits were rescuing the stranded and feeding the hungry.

Without the nonprofits—most of which rely on funding from large foundations—which aid low-wealth communities and racial/ethnic minorities, the policies developed to rebuild and repopulate the gulf would have left tens of thousands (and more) behind. Granted, this work falls mostly into that meager "10 percent of charitable giving" that "goes to the poor and needy," as Nasaw says. But since these are our most vulnerable populations and do rely heavily on the nonprofit sector, it is essential that this sector not be incapacitated by efforts to curb wealthy power blocs.

Thank you for your top-notch journalism—it is an oasis!

Jessica McKelvie Kemp

Drip, Drip, Drip

Boynton Beach, Fla.

I see the drawn faces of poverty in puddles on rain-soaked streets. Victims of trickle-down economics.

Stephanie Langson

Clarifications

Christian Parenti's "Green Strategy Now" [Dec. 20] may have created the impression that the Environmental Defense Fund accepts donations from the fossil fuel industry. It does not.

Due to a production error, the version of Eric Alterman's "Liberal Media" column that went to press last week was not the final version. The final version is at thenation.com.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Books & the Arts.

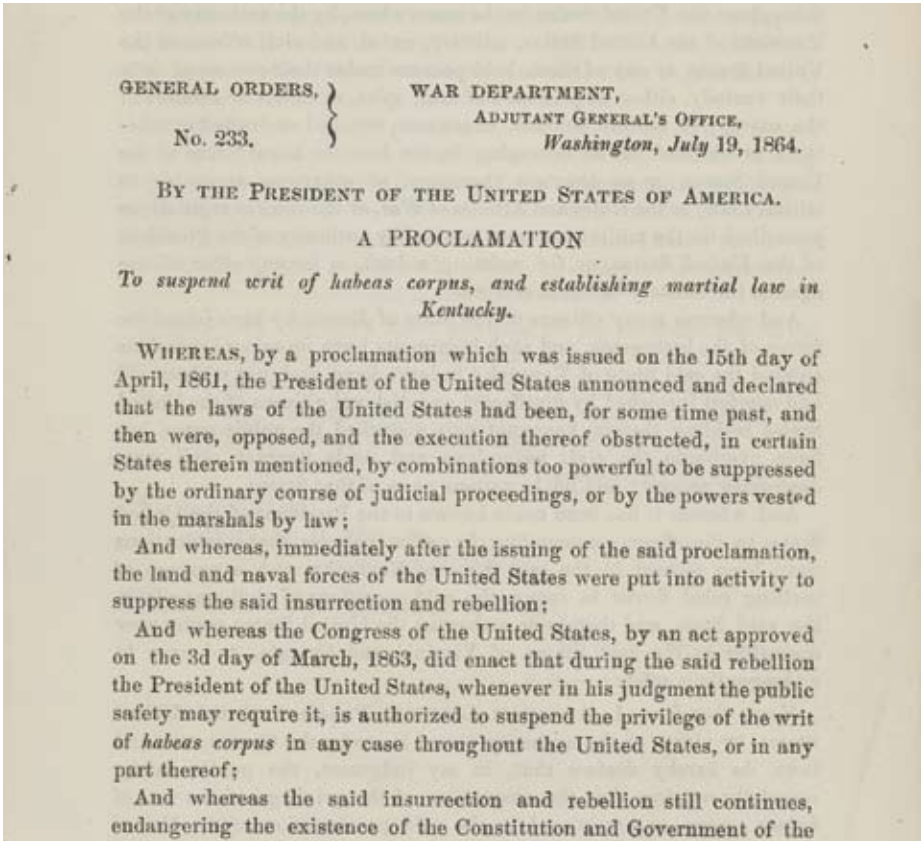
The Gutted Writ

by ROBERT PERKINSON

On a lazy afternoon in February 1961, Wilbert Rideau decided to rob a bank in Lake Charles, Louisiana. Rideau, a smart but impulsive eighth-grade dropout from a violent home, had counted on making a quick, clean getaway, just like the ones he'd seen in the movies, but his plans unraveled during the heist when a phone call to the bank revealed that the police were closing in. Rideau took three hostages, commandeered a car and, as darkness fell, got lost on the back roads outside town. At a bayou crossing the passengers bolted, and Rideau opened fire. Two survived and vanished into the night, but the third, a teller named Julia Ferguson, was wounded by the gunfire and then stabbed to death by Rideau with a hunting knife. A 19-year-old black man had killed a white woman. In no time, Rideau was under arrest.

Outside the jail, a mob formed. "Hang that nigger," a voice called out. But the officers held their man, confident that justice would be swift and severe. "It was a good little town back then," a deputy sheriff later explained to a reporter. "Ever'body did their job. The prosecutors, the law enforcement.... You didn't have to worry about lynching because they lynched 'em for you."

The trial, as Rideau recalls in his gripping memoir *In the Place of Justice*, was "merely a formality," played out by white attorneys before a white judge and an all-white jury. "I was the only black in sight, a fly in a bowl of milk," he writes. The place was Calcasieu Parish, at the height of the backlash against the civil rights movement, when Louisiana lawmakers had voted to close down the state's public schools rather than integrate them. Rideau was guilty of terrible crimes—armed robbery, kidnapping and homicide—but the district attorney stretched and suppressed evidence to prove premeditation, a necessary condition for a capital conviction. Julia Ferguson's stabbing wounds became an attempted beheading, an embellishment later undermined by pathology photographs. A meandering oral confession got replaced by a tidier version, written by an FBI agent, that detailed plans to murder every witness. Physical evidence from the crime scene disappeared. The verdict was certain: death.



GENERAL ORDERS, No. 233.

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, July 19, 1864.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION

To suspend writ of habeas corpus, and establishing martial law in Kentucky.

WHEREAS, by a proclamation which was issued on the 15th day of April, 1861, the President of the United States announced and declared that the laws of the United States had been, for some time past, and then were, opposed, and the execution thereof obstructed, in certain States therein mentioned, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by law;

And whereas, immediately after the issuing of the said proclamation, the land and naval forces of the United States were put into activity to suppress the said insurrection and rebellion;

And whereas the Congress of the United States, by an act approved on the 3d day of March, 1863, did enact that during the said rebellion the President of the United States, whenever in his judgment the public safety may require it, is authorized to suspend the privilege of the writ of *habeas corpus* in any case throughout the United States, or in any part thereof;

And whereas the said insurrection and rebellion still continues, endangering the existence of the Constitution and Government of the

LIBRARY OF CONGRESS, RARE BOOK AND SPECIAL COLLECTIONS DIVISION, ALFRED WHITAL STERN COLLECTION OF LINCOLNIANA

When it reviewed the roughshod proceedings on appeal, the US Supreme Court assailed Calcasieu Parish's "kangaroo court" and reversed the conviction. But a second trial before another all-white jury in the same venue returned the same verdict. At that point the defendant would have run out of options were it not for an ancient legal instrument that dates back at least to the sixteenth century, and indirectly to the Magna Carta: habeas corpus. Literally an order to "have the body" of a detainee brought into court to assess the legality of his or her confinement, the writ of habeas corpus has long been celebrated in Anglo-American jurisprudence as "a fundamental safeguard against unlawful custody" and "a critical check on the executive." As the writ gained strength in the decades around England's Glorious Revolution, it helped to vanquish absolutism and lay the groundwork for the modern era's protections of individual rights. Architects of the early American Republic regarded habeas corpus as so indispensable that they enshrined it in the Constitution, before the Bill of Rights, and set an exceedingly high bar to its suspension, only "when in cases of rebellion or invasion the public safety may require it." Hailed by William Blackstone as a "stable bulwark of our liberties," the writ has figured prominently, if inconsistently, in protecting disfavored minorities and mitigating repression

In the Place of Justice
A Story of Punishment and Deliverance.
By Wilbert Rideau.
Knopf. 336 pp. $26.95.

Habeas Corpus
From England to Empire.
By Paul D. Halliday.
Harvard. 502 pp. $39.95.

Robert Perkinson teaches at the University of Hawaii at Manoa and is the author of Texas Tough: The Rise of America's Prison Empire.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

throughout the common-law world. In the legendary Somersett case of 1772, a habeas petition led to the abolition of slavery in England, though not yet its colonies. In 2004 the Supreme Court ruled in *Hamdi v. Rumsfeld* that the Bush administration's indefinite detention of suspected terrorists who are US citizens without judicial review was constitutionally indefensible. Even during the "most challenging and uncertain moments," the majority held, "the Great Writ of habeas corpus" remains in force, allowing citizens, aliens and even designated enemy combatants to challenge involuntary confinement and demand "due process of law."

In Rideau's case, habeas corpus provided a second entry into federal court, which ordered yet another trial. Louisiana then sought and won a third death sentence, but the delays allowed Rideau to survive until 1972, when the Supreme Court, in *Furman v. Georgia*, vacated every capital conviction in the country. After *Furman* Rideau was resentenced to life imprisonment, and his court-appointed attorneys bid him farewell, saying they had done everything they could for him. Sent to Angola, a former slave plantation that by the 1970s was "the most violent prison in America," he was left to rot but instead built an extraordinary career. He started reading, then writing, and eventually became a respected, award-winning journalist from behind Angola's walls. *Life* magazine called him "the most rehabilitated prisoner in America," but partly because one of his former hostages lobbied hard for his perpetual confinement, his repeated appeals for clemency went nowhere.

That is, until habeas corpus again came to his rescue. A literary scholar named Linda LaBranche took an interest in his case and started poring over old jury selection records. She found incontrovertible evidence of racial discrimination in Rideau's trials, and through the flexible, open-ended provisions then permitted in federal habeas practice, she was able to help secure Rideau a fourth shot at justice in 2005. This time, ably represented by a team of pro bono attorneys, Rideau was convicted of manslaughter rather than premeditated murder. Having already been incarcerated for forty-four years, a period twenty-three years longer than the maximum sentence for manslaughter, Rideau went free. He now lives in Baton Rouge, where he has settled down with LaBranche and a brood of cats. "I'm only here today because of habeas corpus," he said in a recent interview. "It saved my life."

Rideau's commutation and ultimate release signal the enduring potency of habeas corpus, but also its practical impotence. What jurists have long called "the Great Writ of Liberty" did its work, but at an excruciating pace. That Rideau's case unfolded during a period of relative vitality in habeas jurisprudence makes his story all the more troubling. Since the 1990s, lawmakers have increasingly circumscribed the writ, imposing rigid time limits and erecting formidable barriers between state and federal courts. In today's legal climate, a defendant like Rideau would have almost no chance of returning to freedom or even escaping execution. Habeas is becoming "an illusory writ," says George Kendall, one of Rideau's lawyers and a habeas and death penalty expert. In the war on crime, the war on terror and the new war against undocumented immigration, the Great Writ is being gutted.

Paul Halliday's sweeping, scrupulously researched *Habeas Corpus: From England to Empire* examines the capacities and contradictions of this remarkable legal device. A historian at the University of Virginia and an occasional contributor to amicus briefs in noteworthy habeas cases, Halliday dismisses conventional paeans to the writ. Focusing less on landmark decisions than on thousands of quotidian cases from the sixteenth to the eighteenth century, recorded on parchment and bound with leather thongs, he pieces together an ambivalent story with unexpected origins. Rather than heralding habeas corpus as a "palladium of liberty," he shows how, over the course of centuries, habeas has extended state power as well as constricted it, facilitated empire as well as regulated its reach, and how, in periods of crisis and demagoguery, princes and parliamentarians have muffled the "sighs of prisoners" despite the venerable writ's promise to hear them.

In early modern England, the judiciary was not a separate branch of government but an extension of the sovereign's law, Halliday explains. Writs of habeas corpus, accordingly, functioned less to safeguard individual liberty—still an embryonic concept—than to regulate the conduct of jailers. Faced with a polyglot legal landscape in which myriad entities, from ecclesiastical courts to justices of the peace, had been granted the franchise of imprisonment, powerful jurists, especially on King's Bench, the common law court upon which the monarch theoretically sat, used habeas corpus to review the decisions of lesser magistrates in order to ensure that his majesty's subjects were lawfully detained. In this way, Halliday argues, enterprising judges close to the crown made themselves into a superior court and "put themselves at the heart of the state."

Acting in the name of the sovereign and asserting the authority to "monitor the work of all other jurisdictions," King's Bench (Queen's Bench when the monarch was a woman) deployed the writ in an extraordinary array of cases, reshaping it in the process. Impressed soldiers, asylum inmates, slaves and prisoners of war sought release through habeas proceedings, sometimes successfully. Long before the development of modern family law, women called on the writ to escape abusive husbands, though they had to convince the court that a man's violence exceeded "the lawful government of his wife." Forged in common law rather than by statute, writs of habeas corpus, in the hands of determined judges, could reach almost any detainee, held under any circumstances, located anywhere under British control.

In the turmoil of the seventeenth century, the judiciary went further. If habeas began as a "writ of the prerogative by which the king demands account for his subject," Halliday writes, the justices of King's Bench increasingly claimed the powers of sovereign prerogative "for their own use, thereby making themselves the sun that lit the heavens." As the crown was weakened, judges asserted their independence, with startling results. In the wake of revolution in the late

from *Snips*

now that the entire country's
institutionalized
& our televisions control our bodily functions
I'd like to say a few words abt
wanderlust
& manifest destiny, yumyum

ROD SMITH

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

50 WAYS TO READ THE NATION

#1 You can read it on a Kindle

#29

You can read it with Bobby Jindal

You can read it on a

Sony Reader

#8

#41

#10 Or while watching Derek Jeter

You can read it on your screen

#37

You can read it while you clean

#32 You can read it while you cook

#11 On your iPad or your Nook

#7

#14

You can read it on your smart phone

#48 You can read it on the throne

Go to: TheNation.com/50ways

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

1680s—"a period of rampant fear," with war raging in Ireland and an invasion from Catholic France looming—King's Bench reviewed the records of 147 detainees charged with treason and other "wrongs against the state" and ordered "bailed or discharged 80 percent," at a time when the very survival of the government hung in the balance. What started as a means of consolidating power had become a check on the powerful.

This was the golden age of habeas corpus, Halliday contends. Although Whiggish histories have depicted the Great Writ as marching ever forward, spreading freedom as it goes, Halliday shows that by the late eighteenth century, when Enlightenment revolutions were breaking out on both sides of the Atlantic, habeas corpus was in retreat. The advancing force was empire. While in one sense the centralizing authority exercised through habeas review standardized and thus facilitated the imperial reach of British law, the writ's promise to apply the law uniformly inevitably faltered before the inequalities and injustices of colonialism. Habeas corpus "traveled the globe," Halliday observes, but "suspension followed, like a shadow."

During the American Revolution, Parliament suspended the writ and for the first time made distinctions between detainees charged with committing offenses at home and abroad, with the result that "hundreds of American sailors" captured at sea were denied habeas relief and held indefinitely "not as POWs, but as traitors or pirates." In South Asia, habeas corpus arrived with the East India Company, but Halliday shows how statutory limitations on habeas—a topic too often ignored in the literature, he claims—"put Indians beyond the bounds of subjecthood" and empowered colonial governors to define "criminal tribes" and imprison or deport whole groups without trial. In response to the Mau Mau rebellion of the 1950s, hundreds of thousands of Kenyans, including Barack Obama's paternal grandfather, were rounded up, tortured or placed in concentration camps without judicial review. Habeas corpus cast no light of liberty there.

Halliday focuses mainly on sixteenth- and seventeenth-century England, but his attention to the perennial disappointments of the writ and its invidious intersections with empire make for fascinating reading in the twenty-first-century United States. Although habeas corpus is embedded in the Constitution and has been suspended by Congress only once, during a case of genuine rebellion in 1863, it faced epic challenges in the wake of September 11, when the Bush administration asserted unprecedented powers to unilaterally declare people "enemy combatants" and detain them at will, indefinitely and without independent review of any kind. Halliday's book suggests that the White House had ample, if selective and legally dubious, precedent for its aggressive posture. In response to "detestable conspiracies," both real and imagined, various British governments had pioneered all manner of habeas circumventions: removing prisoners to other countries, holding them on ships and building special prison camps on remote islands, where, "surrounded by waves," detainees were kept "beyond law's gaze." When challenged by the courts, administrators had sought and often won legislation to strip noncitizens of legal protections, indemnify jailers "who had done the ugly work" or simply suspend habeas corpus altogether—an increasingly common practice as the British Empire, and resistance to it, grew. In defending rendition, enhanced interrogation and indefinite detention at Guantánamo, legal theorists in the Bush administration thus borrowed from repressive tactics developed in colonial Ireland, Jamaica and New Zealand—conquered places that allowed the British sun never to set but where the law was too often put to sleep.

Promontory

Golden dawn and tremulous evening find our brig off shore, facing this villa and its dependencies, which form a promontory as vast as Epirus and the Peloponnesus, or the great island of Japan, or Arabia! Temples lit up by returning processions, immense vistas of the fortifications of modern coastlines; dunes illustrated with warm flowers and bacchanals; grand canals of Carthage and Embankments of a louche Venice; languid eruptions of Etnas and fissures of flowers and water in glaciers; public washhouses surrounded by German poplars; slopes of singular parks inclining the tops of Japanese cherry trees; the circular façades of the "Royal" and the "Grand" in Scarborough or Brooklyn; and their railways flank, tunnel under and overhang the appointments of this Hotel, chosen from the history of the most elegant and colossal structures of Italy, America and Asia, whose windows and terraces, presently awash with decorative lighting, drinks and lush breezes, are open to the minds of travelers and noblemen—which, during the daytime hours, allow all the tarantellas of the coast,—and even the ritornellos of celebrated vales of art, to decorate wondrously the façades of the Promontory-Palace.

ARTHUR RIMBAUD, from *Illuminations*
(translated from the French by John Ashbery)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Halliday posits that "the history of habeas corpus traces an ongoing tension between the logic of detention and the persistent judge." By 2004 it seemed the judge might again be gaining the upper hand. In three cases decided in June of that year, as images of prisoner degradation at Abu Ghraib spread around the world, the Supreme Court condemned the Bush administration's "unchecked system of detention" and breathed new life into habeas corpus. Narrow majorities ruled on a number of key issues: citizens and aliens alike retain their habeas rights, even if they are declared enemy combatants; the executive's war powers do not insulate it from judicial review; and writs of habeas corpus have the power to reach any jailer anywhere who is subject to US law, even at Guantánamo Bay, which is officially Cuban territory but has been controlled by the United States since the Spanish-American War. Rejecting the Bush administration's most expansive arguments, the justices noted that the founders, having suffered British despotism, regarded "unlimited power" as "especially hazardous to freemen." As Justice O'Connor famously commented, "A state of war is not a blank check for the President."

The Court's rulings marked another milestone in the history of the Great Writ, yet the aftermath bears out Halliday's clear-eyed approach. Following the advice of Justice Scalia, who accused his fellow justices of "judicial adventurism of the worst sort" (ironically, just the sort of adventurism that created habeas and sustained it over four centuries), Congress in 2005 stripped Guantánamo detainees of their habeas rights, reinforcing Halliday's contention that legislators can be as hostile to civil liberties as executives. In two subsequent cases, most categorically in *Boumediene v. Bush* (2008), the Court struck back, again rejecting President Bush's determination to "govern without legal constraint" and Congress's willingness to let him. The majority ruled that under the Constitution lawmakers have no right to suspend the writ selectively and that military tribunals, as set up by the Pentagon, provide no "adequate substitute" for impartial, adversarial judicial review. Sweeping in scope, the decisions nonetheless left the vast majority of detainees in legal limbo: still incarcerated, still awaiting their day in court. Almost a decade after its creation—despite constitutional censure and promises by President Obama to shut it down—the prison camp that Amnesty International has called "the gulag of our times" remains mostly insulated from the rule of law. On the page, habeas corpus may have triumphed over the Bush administration's war of fear, but on the ground the "logic of detention" continues to unfold.

This disjuncture between promise and practice is equally pronounced, if less discussed, in other areas of modern US law. In the realm of immigration enforcement, where federal detention has expanded most rapidly in recent years, similar tensions have developed between the judiciary and the political branches, and with similar results. In 2001 the Supreme Court held in *INS v. St. Cyr* that immigration detainees have habeas rights and that deportation hearings managed by the Justice Department, an executive agency, cannot be walled off from judicial review, as Clinton-era statutes tried to do. In 2005 Congress responded with the Real ID Act, which in addition to setting up the rudiments of a controversial national ID card system, included scarcely noticed provisions to paralyze the writ of habeas corpus in immigration cases without actually killing it. By imposing thirty-day federal filing deadlines and limiting the purview of the judiciary to questions of constitutional law rather than the factual record of individual cases, the statute preserved habeas in name but in effect made it unavailable to thousands of detainees each year. "The government has so chipped away at habeas in immigration cases as to make it an almost meaningless right," says Lee Gelernt, an ACLU attorney who is building a case to challenge the new law. He adds that an executive-only approach to immigration enforcement has continued under the Obama administration, which detained 380,000 individuals on immigration violations in 2009, almost none of whom are provided access to counsel or even an independent court hearing, much less habeas review.

In conventional criminal law, the United States is unique in using habeas corpus primarily as a postconviction remedy. Invoking the writ successfully has never been easy, as the case of Wilbert Rideau makes clear. Nevertheless, postconviction habeas developed into an important alternative to direct appeals and as a mechanism of equity relief, especially in death penalty and civil rights cases. During the divisive crime debates of the 1990s, however, Congress passed the Antiterrorism and Effective Death Penalty Act (AEDPA), which put habeas petitions beyond the reach of all but the most capably represented and egregiously wronged criminal detainees. Extending legalistic restrictions already imposed by the Rehnquist Court, the law requires prisoners to exhaust all state remedies before turning to federal court, limits the ability of federal judges to question the decisions of trial courts and imposes various administrative burdens on petitioners, including strict deadlines for initial filings—all of which add up to insurmountable barriers for most inmates, who tend to be indigent, poorly educated and unrepresented by counsel. "AEDPA has been awful for criminal defendants," says Vanita Gupta, an ACLU attorney who under more forgiving state rules famously helped overturn a host of wrongful drug convictions in Tulia, Texas. "Its onerous, lawyerly demands and blanket restrictions have created a morass of litigation and severely curtailed the reach of the Great Writ." Even as America's prison population has swollen to an unparalleled size, a key conduit for release has thus been shut off, in effect rendering the country's first civil right an inaccessible right. As during the repressive ascendance of the British Empire, lawmakers in the United States have "bound the judge and muffled the prisoner's sighs."

The United States is unique in using habeas corpus primarily as a postconviction remedy.

Halliday's history of setbacks and shortcomings is indeed discomfiting. "Beginning with royal power" and ending with "detention of people on a scale that defies judiciousness," his book suggests that the "idea of habeas corpus"—that no person shall be detained except by due process of law—"has been more powerful outside of courtrooms than inside them." Yet his book is not without hope. Halliday shows how innovative and persistent judges turned an instrument of the king's prerogative into a "writ of majestic, even equitable, sweep" and managed, in some cases at least, to defend it against "a legislative onslaught on liberties of every kind." In thwarting the Bush administration's absolutist leanings, the Supreme Court has recently shown glimmerings of that same independence, but the results remain unclear. In the twenty-first century, habeas corpus can be as vital for the protection of individual liberties as it was in the seventeenth, but courageous judges—precisely the sort excoriated by Scalia—will have to make it so. ■

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

SHELF LIFE

by BARRY SCHWABSKY

THE TRULY CONSEQUENTIAL CHOICES an artist makes are never experienced as choice but as necessity. For many Modernist painters, the compulsory option was, sooner or later, abstraction. For having submitted to the choice and then, two decades later, to an equally necessary rejection of it, Philip Guston has become one of the emblematic artists of the last century, one who understood that "Only our surprise that the unforeseen was fated allows the arbitrary to disappear." Guston was a renowned talker, as Clark Coolidge remarks in his preface to *Philip Guston: Collected Writings, Lectures, and Conversations*, which he has edited, with an introduction by Dore Ashton (California; Paper $29.95). An avid reader of Kafka, Beckett and Babel, Guston was no slouch as a writer either. Though new to us, this necessary book has in a way always been on the shelf: some of the pieces have been widely published and cited, and certain ways Guston had of talking about art have been incorporated into the thinking of those who heard that talk and passed it on. Still, much of the material is previously unpublished, and even familiar statements and interviews contain surprises. On the transience of one's judgments: "Five years ago you wiped out what you are about to start tomorrow." Who else has ever seen in Piero della Francesca "a vast precaution to avoid immobility"? Always "perverse and contrary," just as he called Picasso, Guston can sound a bit borscht belt—"Every time I see an abstract painting now I smell mink coats, you know what I mean?"—but still, this is a book of wisdom, not only for artists but for anyone seeking to learn something from art.

THE COLLECTIVE NATURE OF ART-making, but also its aspiration to something beyond that, is summed up in a famous *mot* of Guston's that, appropriately enough, he attributed to a friend: "I believe it was John Cage who once told me, 'When you start working, everybody is in your studio—the past, your friends, enemies, the art world, and above all, your own ideas—all are there. But as you continue painting, they start leaving, one by one, and you are left completely alone. Then, if you're lucky, even you leave.'" As David Kaufmann points out in his compact and impassioned essay *Telling Stories: Philip Guston's Later Works* (California; Paper $24.95), to understand Guston's paintings means "to see them in their often negative relations with the New York art world." An accidental record of the way friends, enemies, the art world and ideas all crowd into an artist's work can be found in *Correspondence Course: An Epistolary History of Carolee Schneemann and Her Circle*, edited by Kristine Stiles (Duke; Paper $29.95). What a fascinating cacophony it is. Schneemann, the painter, performance artist and filmmaker perhaps best known for such transgressive early works as the orgiastic ritual *Meat Joy* (1964) and the antiwar film *Viet-Flakes* (1965)—though she is still, at 71, intensely productive—has engaged in a whirlwind of correspondence with several generations of artists, poets, musicians, critics and others. It is unusual to be given access to this kind of archive during the central figure's lifetime, and the book constitutes, as Stiles says, "an encounter with Schneemann's milieu at the same time as it initiates a biography on the artist."

MUSÉE NATIONAL D'ART MODERNE, CENTRE GEORGES POMPIDOU, PARIS

Ilya Kabakov, *The Flying Komarov* (1972–75)

What's striking is how furiously, even among her friends, Schneemann has fought to rebuke what she considers to be misprision of her art and herself. An example: in 1975 one of her most faithful interlocutors, the translator, editor and poet Clayton Eshleman, sent her a poem—bombastic in his usual manner—that, he says, "owes something to what you mean to me *as a figure*." Could he dedicate it to her? Schneemann rejects it utterly: "Your words oppress me.… I do not accept your poem: no levity, no light, *not* rising free." It can be true, as William Blake said, that "opposition is true friendship," but for all the support Schneemann has enjoyed within her circle, one suspects her art has often been a lonely struggle.

ART FLOWING FROM FRIENDSHIP AND conflict is also the subject of Matthew Jesse Jackson's *The Experimental Group: Ilya Kabakov, Moscow Conceptualism, Soviet Avant-Gardes* (Chicago; $35). The "unofficial" art of the Soviet Union disproves institutional theories of art. Boris Groys, acknowledged by Jackson as having written in 1979 the "defining text on conceptual art in the Soviet Union," reminds us in his recent essay collection *History Becomes Form: Moscow Conceptualism* (MIT; $27.95) that "Soviet unofficial artists had no access to any galleries, museums, art markets, or media." In an important way, he continues, they were more like hobbyists than professional artists, though their ambitions were huge: to be "the face of their time." *History Becomes Form* includes that "defining" essay, "Moscow Romantic Conceptualism," as well as a number of other important texts on Kabakov and other Russian conceptualists, but Jackson's thorough account is now the best introduction in English to this peculiar and fascinating period, which he calls "a space that the history of twentieth-century art has not yet been able to describe, much less understand."

The unofficial artists were, as Jackson quotes Kabakov, "'friends in unhappiness' but not necessarily kindred spirits." Kabakov's art was often less concerned with critiquing Soviet reality, which is how it has generally been interpreted (though he has never claimed to be a dissident), than with "confronting the self-mythologizing tendencies within unofficial art," deconstructing "the decayed Romanticism within unofficial modernism." Jackson, by carefully reconstructing the lost cultural context for Kabakov's early work, ends up highlighting his essential isolation even within this small, self-referential circle. Yet his was part of a collective effort. Placing Kabakov in his milieu, Jackson succeeds in eliciting something of the work's original resonance. His approach is less capable of shedding light on why this enigmatic art holds such interest even now, but perhaps that's a subject for another book. ■

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Spin Cycle

by PAUL DUGUID

The Master Switch
The Rise and Fall of Information Empires.
By Tim Wu.
Knopf. 366 pp. $27.95.

What Technology Wants
By Kevin Kelly.
Viking. 406 pp. $27.95.

According to Tim Wu, David Sarnoff, founder of NBC, liked to spin "vainglorious tales for reporters and historians," not unlike "the ancient Chinese emperors who rewrote history as soon as they came to power, to prove they had had Heaven's mandate all along." In *The Master Switch*, a history of "information empires," Wu is happy to pierce the vainglory of modern technological emperors like Sarnoff. In their place, however, he offers an almost heavenly account of what he sees as our true benefactor, the free market.

The crux of the story Wu tells is what he calls "the Cycle," the "oscillation of information industries between open and closed." The market, Wu argues, has from the birth of the telephone to the flourishing of the Internet driven innovations in communications technology. Capitalist competition, the story goes, spurs innovation through what economist Joseph Schumpeter described as "gale[s] of creative destruction." In the communications industry, these gales bring down barriers to communication, allowing wider and, Wu assumes, wiser political discussion; interpersonal communication becomes increasingly free from impediments and control. What has not been free from impediments and control, Wu argues, is the path to openness. Corporations that become successful with one generation of technology have a tendency to try to protect their position by smothering the next generation in its cradle. They wage shameless patent wars, set standards favorable to their technologies, monopolize infrastructure and enlist the help of government regulators. Simultaneously, governments are almost predisposed to stifle both innovation and markets. Wu believes we face critical decisions about how the Internet will be managed (the topic of his earlier, co-written book *Who Controls the Internet?*), which in turn will influence the dynamic between openness and control. If we turn against the market and make the wrong choices, "the practical consequences will be staggering." "Which is mightier," he asks, "the radicalism of the Internet or the inevitability of the Cycle?"

A professor of law at Columbia University and a contributor to *Slate*, Wu makes his case with prosecutorial and journalistic flair. His suitably villainous defendants are led by AT&T, which has put its hands on major twentieth-century communications innovations, either to control them, when that was to AT&T's advantage, or to throttle them, when it was not. AT&T emerged from Alexander Graham Bell's experiments with the telephone and achieved almost total control over that technology from the 1920s until the company was dismantled by court order in the '80s. Furthermore, during that period, as Wu adroitly shows, AT&T used control of phone lines to influence the development of radio, whose early experiments traveled along the lines. In the process, AT&T set up the National Broadcasting System, which in time spawned Sarnoff's RCA and NBC, each of which inherited AT&T's monopolistic bent and carried it into television. AT&T also used its power and wealth to inhibit development of almost anything it perceived as a threat to its phone system, from the answering machine (and with that, tape recording) to the elegantly simple but far more disruptive phone jack, which gave devices not approved by AT&T (like modems) access to the phone network.

The breakup of AT&T into the "Baby Bells" in the '80s seemed finally to put a stake through Ma Bell's heart. But of course she never had one, so in the hands of Ed Whitacre, a master monopolist (who was tapped by the Obama administration to bring GM back from bankruptcy), AT&T was rebuilt to form, with Verizon, a powerful telephone duopoly for the new millennium. The spirit of Ma Bell, Wu warns, haunts the digital realm. As in the past, it is distracting the public from the monopolistic tendencies of communications companies with appealing toys such as the iPhone—which, like AT&T's old phones, allows only approved and commercially nonthreatening connections to its devices. And it is seducing the government by offering access to private communications when, as in the "war on terror," the government wants to intercept more of our correspondence than courts are willing to approve.

Co-conspirators in Wu's indictment include the Hollywood studios (represented primarily by Adolph Zukor of Paramount), the broadcast networks (led by Sarnoff) and the cable guys (epitomized by Ted Turner of CNN). Less notorious and therefore more intriguing suspects include Thomas Edison, portrayed here not as the conventional hero of American inventiveness but as a patent monopolist; Bell Labs, the AT&T research arm, also more typically praised for its innovation but here condemned for suppressing any new idea that might challenge Ma's monopoly; and Apple and Steve Jobs, damned for the iPhone and iPad, which are "closed" to applications that lack Apple's approval.

Wu's witnesses for the prosecution form an interesting panel of lesser-known names. They tend to be lone innovators who have led us toward openness only to be thwarted by monopolists once the Cycle turns: Julius Hopp and Lee De Forest, early radio enthusiasts; John Logie Baird, Charles Francis Jenkins and Philo Farnsworth, television pioneers; Ralph Lee Smith and Fred Friendly of early cable television; and most shocking, Edwin Armstrong, who developed FM broadcasting techniques but was pushed to suicide by Sarnoff's betrayal. Finally, to offset Apple's malignity, Google appears as a kind of character witness for open technology in the age of the Internet.

Wu has some supporting counsel, particularly the economists Schumpeter and Friedrich von Hayek. Like both, Wu links innovation to free markets; and like Hayek, who could see a slippery slope coming before most of us could even find our feet, he suspects any nonmarket organization to be regressive. Move one inch toward some kind of vertical integration or centralized control, Wu seems to think, and true to Hayek's predictions we will slide down the greasy ramp to serfdom. Wu turns intermittently to a hostile witness whose testimony recalls the notion of "Godwin's Law." On the Internet, this "law" is used as shorthand for arguments that invoke Hitler as a trump card. Wu offers the Goebbels variation, putting Hitler's propaganda minister on the stand several times to drop the unsubtle hint that if you give government a slice of the communications spectrum, soon enough martial music and fanatical speeches will dominate the airwaves.

Like any prosecuting attorney, Wu tells a story that sets aside complexity. Many of his villains, for example, started out as valiant entrepreneurs before becoming monopolists. The pattern makes one wonder whether Wu's good guys are

Paul Duguid teaches at the School of Information at the University of California, Berkeley, and is a professorial research fellow at Queen Mary, University of London.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

simply losers in a nasty competitive world rather than angels who would have remained committed to openness, win or lose. The recurring tendency toward monopoly could be less the result of corporate villainy and government corruption and more a fundamental characteristic of Schumpeterian capitalism—in which case, Wu's innovative capitalism may need government to enforce the rules and temper monopolistic tendencies, while rewarding innovators with quasi-monopolistic intellectual property. For all its inefficiencies and corruptions, government is a key player on both sides of the Cycle, a twist in the story that Wu is reluctant to acknowledge. Remarkably, his celebration of market-driven innovation sidesteps the well-known fact that government subsidy and academic research, not capitalist innovation, produced the Internet. It was, moreover, a European-funded public research laboratory (CERN) that created the World Wide Web; a federally funded laboratory (NCSA) that produced the first viable web browser, Mosaic; and a public university (Berkeley) that "opened" UNIX software code and fought AT&T in court when the latter tried to keep it "closed." These are bedrock technologies of the Internet, beside which Google and Apple are mere homesteading cabins, but they get little showing in Wu's account.

Wu's distrust of government institutions is just as apparent in his portrait of the BBC. This government-protected, quasi-monopolistic media organization has undoubtedly been tactically subservient to political masters, trigger-ready in its smugness and monopolistic in its attitudes. And it's easy to make fun of the patrician condescension of its first general manager, Lord Reith, as Wu does. But if we are looking for alternatives to "mass-produced culture," as Wu seems to be, the BBC deserves a more evenhanded account. Compare BBC programming with the remarkably unimaginative output of commercial radio, whether from the networks, Sirius or Clear Channel, or even from the low-power stations that inspire Wu, and the BBC appears remarkably open and innovative. While reading *The Master Switch*, I listened to the "Proms," an annual musical festival that Reith brought under the sponsorship of the BBC in 1927 and that now is streamed free by the BBC online. This year, some seventy-six live concerts featured music from John Adams to Richard Wagner played by orchestras from the Danish National to the Penguin Cafe. Some twenty contributions were from composers born after 1950; eleven of the pieces were world premieres. Media historian Harold Innis argued that Reith's BBC offered an important counterweight to the partisan interests of commercial media. For all its many faults, it still does.

If public broadcasting is a little more complex than Wu's market-or-hierarchy argument, so too is Google. Wu portrays Google as a champion of an open communications system, one that encourages innovation online and eschews any form of monopolization. Google's ideals, he argues, remain "radical…utopian, even vaguely messianic." Yet it's noteworthy that Wu, who deplores the baneful effect of advertising on radio and television, manages to discuss Google without raising the company's dependence on advertising and the challenge that poses to "open" and unbiased search. As Google founders Sergey Brin and Larry Page once explained, "advertising funded search engines will be inherently biased towards the advertisers and away from the needs of the consumers." Brin and Page took this stance when, like so many of Wu's heroes, they were Davids taking shots at search engine Goliaths. Like the tales Sarnoff spun to historians, the image that Google's founders now convey of a firm benignly organizing the world's information and doing no evil belies Brin and Page's earlier observation and Google's near-monopoly on Internet searches.

Wu's faith in Google as a defender of an open Internet has suffered with the recent revelation that Google, Verizon and AT&T have been meeting secretly with the FCC to restrict, it is suggested, "net neutrality" and so carve up the space of future innovation. In a piece for *Slate*, a disenchanted Wu implored those at Google who still believe in its founding principles to "take back the firm." But the attempt to game net neutrality is likely to be part of company strategy rather than the sign of unprincipled leadership. If Wu expects innovation to be driven by market calculation, he can't expect Google to have a soul any more than we could expect AT&T to have a heart.

While Wu seeks to convince us that we face a zero-sum choice between, for example, Apple's way or Google's, his passing references to an underlying "deep structure of the Internet" suggest he may think the choice is superficial: underneath, the Internet may know where it is going. This is certainly Kevin Kelly's belief in *What Technology Wants*. Despite devoting a section of his book to "Choices," Kelly, a founder and now "senior maverick" of *Wired* magazine, offers few: the word "inevitable" turns up approximately every fifth page of his treatise. As in his earlier books, Kelly has come not to offer choices but to lay down rules, outline laws and plot irresistible trajectories so that we can embrace them and sing (or tweet) hosannas.

Kelly was an acolyte of Stewart Brand and worked on Brand's counterculture clearinghouse tome, the *Whole Earth Catalog*. Both Brand and Kelly tend to aphorism, and among Brand's pithiest is the observation that "information wants to be free." Brand's notion of freedom has become the catechism of digital libertarians; Kelly instead found a credo in the idea that information has wants. In his first book, *Out of Control* (1994), he wrote excitedly about a conceptual artist who built robots and asked "what the robots want." Some sixteen years on, Kelly has developed the notion of "wants" into a broader discussion about technology.

Its wants, he believes, are evident deep in its historical path. Beginning as a crude tool subservient to humans, but no less a part of evolution, technology has become increasingly sophisticated and now approaches a "tipping point" in which the "technium" (Kelly's term for the "greater, global, massively interconnected system of technology vibrating around us") "branches off from its precursor, the mind of the human animal," and becomes a self-sustaining system, feeding off the "explosion of information and knowledge." At this point, its "ability to alter us exceeds our ability to alter" it. Technology, it seems, is now controlling both itself and us—a claim he justifies by describing a robot that can plug itself into a power outlet.

Kelly's argument seems more likely to reassure the converted than to persuade the skeptical. Nevertheless, it would be unwise to set it aside entirely. It raises important questions and is a case study of bad answers to them. We do live in a world of increasingly autonomous technology. Machines have a speed and calculative power that humans cannot rival. Kelly sees these autonomous technologies as higher states of evolution to which he wants us to cede choices and decisions. But in so doing, we are also and more speciously ceding responsibility. If we can attribute the decision to the machine relatively easily, we can't do the same with the consequences. When computers crash the stock market, when drones kill civilians or when oil platforms explode, killing oil workers and destroying the environment, it should not be acceptable to shrug our shoulders and say, That's what technology wanted. If we built the machines, though ensuing choices may not be ours, responsibility for the choices and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

their consequences is.

Visitors to the 1933 World's Fair in Chicago were freed from such responsibility by an adage inscribed above the entry gates: Science Explores, Technology Executes, Man Conforms. These six words neatly convey the credo described by Kelly over 400 pages. They also suggest that beneath Kelly's cyber-pieties lurks an old and ugly idea. Some thirty years before that World's Fair, H.G. Wells had forecast the dark linings of such evolutionary, futuristic fantasies. In his book *Anticipations* Wells notes how the "world-wide spreading of swift communication" has "an air of being processes as uncontrollable by such collective intelligence as men can at present command, and as indifferent to his local peculiarities and prejudices as the movements of winds and tides." This observation could be Kelly's. But Wells goes on to ask how this new world will treat people who can't or won't assent to the new efficiency of the autonomous machine:

> And for the rest, those swarms of black, and brown, and dirty-white, and yellow people, who do not come into the new needs of efficiency? Well, the world is a world, not a charitable institution, and I take it they will have to go. The whole tenor and meaning of the world, as I see it, is that they have to go. So far as they fail to develop sane, vigorous, and distinctive personalities for the great world of the future, it is their portion to die out and disappear. The world has a purpose greater than happiness…and that purpose aims not at man as an end, but works through him to greater issues.

It's hard to resist invoking Godwin's Law here. Kelly doesn't propose any of the nefarious schemes against "backward" races hinted at by Wells, but the vision he sets out of a technological revolution unfurling without interference from a minimalist state is very much like the scenario outlined by Wells. His indifference to questions of responsibility and morality is much the same, so it is not unreasonable to argue that what Wells's "world" wanted may look very much like what Kelly's "technium" wants. The only difference is Wells's unblushing directness.

Kelly and Wu speak for a new technocracy, and their books epitomize its libertarianism and its frustration with the political system. Both seem at best hostile and at worst indifferent to politics. Wu sees government as inherently corrupt and best avoided, whereas Kelly treats it as irrelevant to the unfolding of his technium. Wu and Kelly claim that the smoothly self-regulating dynamics of markets and technological innovation can supersede the unmanageable modern state and its conflicting interest groups (upper and lower classes, labor and capital, left and right, public and private). But it's likely that such a scenario would lead not to a world without politics but rather to one dominated by market-servile technocrats insisting that in a technological society, they alone would make the best leaders. That note was struck by the presidential campaign of Ross Perot (founder of Electronic Data Systems) and was implicit in the recent electoral campaigns of Meg Whitman (former CEO of eBay) and Carly Fiorina (former CEO of Hewlett-Packard). If such technocrats ever succeed in gaining control of the state, I suspect that their policies would cater less to the wants of technology than to those of technocrats, especially the ones who have amassed large fortunes. What they want won't be what the rest of us want, or need. ■

COURTESY STERNS MUSIC

Improbable, Incredible

by K. LEANDER WILLIAMS

When President Abdoulaye Wade, the embattled leader of Senegal, was in New York City in September for the United Nations Forum on Millennium Development Goals, he took a break from politicking to hold a press conference announcing the third World Festival of Black Arts and Cultures, a sprawling multidisciplinary confab that returned to the seaside city of Dakar in December, some four decades after Senegal's first president, Négritude poet and scholar Léopold Sédar Senghor, conceived and presided over the first one. Wade described an event "shaped by the full African diaspora," a vision hinted at by the presence of the three artists on the podium with him: the festival's artistic director, British-born actor-playwright Kwame Kwei-Armah; Akon, the R&B star of Senegalese descent; and Angelique Kidjo, the Benin-bred superstar who was a teenager when the second Black Arts Festival was held in 1977 in Lagos, Nigeria, home of the bandleader and funky politico Fela Kuti. Wade promised a mix of visual artists, intellectuals, musicians, dancers and fashion designers even larger and more geographically wide-ranging than the group Senghor had convened in Dakar in 1966, which included Langston Hughes, Duke Ellington, future Nigerian Nobel laureate Wole Soyinka and choreographers Alvin Ailey and Katherine Dunham.

As momentous as the event's press rollout ended up, the air in the room began to crackle when Wade, who is 84, revealed that during his student days he was an aspiring guitarist. When pressed on the subject, the head of state doubled the astonishment. Few in attendance could have expected the former law professor, whose victorious presidential campaign in 2000 was bolstered by a chorus of newly politicized Senegalese hip-hoppers, to start expounding on Beethoven and Tchaikovsky rather than, say, griot music or the homegrown Senegalese rock-style mbalax. (Mbalax was invented around the time Wade first ran for the presidency in the late 1970s, by Youssou N'Dour, the international pop star rumored to be contemplating a 2012 challenge to Wade.) Whatever

K. Leander Williams is a freelance writer living in Brooklyn, New York.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

his musical pleasure, Wade spoke as if his eclectic past made him some kind of everyman, even if the 160-foot-high monument to his leadership he recently had erected in Dakar, at an estimated cost of $27 million, suggests otherwise. The president smiled and wondered aloud why his onetime guitar obsession provoked such surprise. "In Senegal, we are all in some way musicians," he said in accented English, answering his own rhetorical question while alluding to the old saw about music's central role in cultures throughout Africa.

The excitement generated by Wade's reminiscence underscored something else: music often seems like one of Africa's few points of light. The spirited sounds and rhythms that accompany ceremonies and parties as well as social struggles often provide relief from repressive politics. On a fairly regular basis, the news reaches the West via guitar chords, vocal chants or the beat of a talking drum. It's the thread that connects *FELA!*, the Tony Award–winning Broadway musical devoted to the bandleader's tortured life at the hands of Nigeria's military government, to the plight of Zimbabwean freedom singer Thomas Mapfumo, who has been exiled in Eugene, Oregon, for the past decade, unable to set foot in former ally Robert Mugabe's country since 2004. It's apparent in the Democratic Republic of Congo, where years of war have dislodged from Kinshasa what was once Africa's most popular and prolific music infrastructure, and it's why there was exasperation but little surprise when fundamentalist factions in Somalia imposed a ban on music broadcasting in the spring. The political turmoil in Mogadishu also helps explain the checkered past of Somali MC K'naan, whose healing song "Wavin' Flag" was the hit of the World Cup this past summer. Before rapping saved him from a career of crime, he had escaped the war in his country only to find himself a gangsta refugee kid in Toronto.

Rumba Africaine slowly made way for rock and funk-based syntheses like mbalax.

The tension between revel-ready sounds and lapsed political vision is inescapable while listening to the weighty, rarely less than buoyant *Africa: 50 Years of Music, 1960–2010*, an eighteen-CD box set recently released by the London-based record label/store Sterns Music (£65), still one of the world's premier distributors of Afropop. Tracing the impressions of politics on art is difficult, but the collection's compilers, a brain trust led by Paris-based producer-impresario Ibrahima Sylla, have made it near impossible to hear any of the music, from praise songs and rustic chants to groove workouts and urbanized dancefloor smashes, without wondering about its context. The collection's title, as well as a handy nationhood chart in the accompanying booklet, reminds us that 1960 was a watershed year in Africa, with some seventeen countries, Senegal among them, officially declared independent (*50 Ans d'Indépendances* is the set's French subtitle). Just two years later, anticipating Uganda's coming-out party, the noted Polish journalist (and sometime fabulist) Ryszard Kapuscinski rhapsodized about the era's optimism. "It's all improbable, incredible," he wrote in *Shadow of the Sun*. "As if one were witnessing the birth of the world, that precise moment when the earth and sky already exist, as do water, plants, and wild animals, but not yet Adam and Eve." Of the 185 tracks spanning thirty-eight countries, only a handful predate 1960; the most notable are the romantic songs by Egyptian icons Oum Kalsoum and Mohammed Abdel Wahab (Egypt had been independent since 1922), and "Ghana Freedom," trumpeter and high-life pioneer E.T. Mensah's 1956 salute to new president Kwame Nkrumah.

It's hard to quibble with the collection's logic. Countering the misconception that Africa is a monolith of blacks and browns, it neatly breaks the continent into six three-disc sections, five of which are regional ("North Africa," "Southern," "West," "East," "Central"), while the sixth is linguistic ("Lusophone," for Portuguese-speaking countries like Cape Verde, Angola and Guinea-Bissau). Beyond the inevitable omission of this or that icon (what, no King Sunny Adé?), there are countless pleasures, like how seamlessly the music of the four Arab-centric nations included in the splendid "North Africa" discs flows together, in contrast to the beautifully varied "West" and "Central Africa" discs, which blend more countries, languages (both colonial and native) and stylistic permutations. I've yet to read a compelling ethnographic explanation for why musicians in several Francophone African nations seized on the percolating midcentury Latin music of Cuba (check Le Grand Kalle's "Indépendance Cha Cha" or Salif Keita's sublime praise song for Guinean autocrat Sékou Touré, "Mandjou"), but the box suggests that one measure of recent modernization is how *rumba Africaine* slowly made way for rock and funk-based syntheses like mbalax, Congolese *soukous* and the electro band Konono No. 1's Bazombo trance music as the millennium approached. The scintillating mix on the "East Africa" discs also proves cohesive; the heated urban grooves of 1970s Ethiopia are bolstered by percussive, often guitar-charged pastorals from Tanzania, Kenya, Uganda and Mauritius (Menwar's recent "Sizann" is a highlight). The section with the fewest surprises is "Southern Africa," despite its inclusion of little-known pop from Malawi and Madagascar. Township jive and mbira-transposed Zimbabwean *chimurenga* are dynamic and often irresistible, but they haven't been unfamiliar in the United States since Paul Simon released *Graceland* in 1986, and the slickness of latter-day South African fare in particular clashes with the collection's prevailing unpretentiousness.

Ironically, the spirit of one dictator's ideas can be said to inform much of the box set's creative uplift. When Sekou Toure encouraged national orchestras like Bembeya Jazz to practice what he called "*Authenticité*" (represented here by the single "Armée Guinéenne"), he had hoped that a new national identity would arise from the fashioning of precolonial cultural forms with contemporary materials and methods. But even in countries where the cultural thrust wasn't necessarily a matter of public policy, artists like Fela, Mapfumo, Cameroonian saxophonist Manu "Soul Makossa" Dibango and Congolese guitar hero Franco understood instinctively that originality is forged in the endless play between cultural burrowing and cultural borrowing. The collection's omission of current desert-blues sensation Tinariwen, whose members hail from the Sahel region of Mali in West Africa but wouldn't sound out of place amid the swirl of music from Morocco or Tunisia, is evidence that *authenticité* can have limits in countries where more than one tribal ancestry is present. As former refugees whose people, the Tuaregs, were once at war with the Malian government, Tinariwen have a view of national identity that is markedly different from that of Malians Oumou Sangaré (Mali's answer to Aretha Franklin) and guitar icon Ali Farka Touré, both of whom are included in the collection. If *Africa: 50 Years of Music* says anything at all, it's that defying adversities imposed by borders has been one of Afropop's key modes of transcendence. ■

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Classified

To advertise in the classified section, contact amanda@thenation.com or call (212) 209-5414. A fifteen-word advertisement running three times in the classified section costs $247.50.

ALTERNATIVE ENERGY/HEALING

RELEASE LIMITING PATTERNS of emotional and mental conditioning. Dare to manifest from your authenticity. (646) 391-0170; AndySway.com.

ANCIENT SECRETS

SCHOLARLY BOOKLET PROVES PISO (*a k a* Josephus) invented fictional Jesus, Gospels. Amazing but incontrovertible. $15: Abelard, Box 5652 A, Kent, WA 98064.

BLOGS/WEB

GET GRANDPA'S FBI FILE.COM *Unless you ask, you'll never know…*

REJECTION OF KORAN'S SOLUTION for Middle East is marble-headed. alQasas.net.

BOOKS

FREE NOVEL/EASY DOWNLOAD: *Ruling Class Smackdown, the Novel, or, Hellfire Revenge* (316 pp). Hard-hitting fantasy on cutting the rulers of the world down to size with social class–driven activism. A scathing critique of US and Israeli power. Go to scribd.com—books fiction ("Ruling Class Smackdown").

THE TRUTH ABOUT JESUS AND MARY MAGDALENE, revealed in beautifully illustrated children's book. $12. kgoete@verizon.net.

MILLIONAIRE AND SATAN. *The Price* by Leon Newton, about a millionaire in hell. Audio and Kindle book. thepriceleonnewton.com.

BOOKS

PERVERT: NOTES FROM THE SEXUAL UNDERGROUND—Intelligent, erotic perspectives by dominatrix/sex educator Nancy Ava Miller, M. Ed. Poems! Paragraphs! Pix! nancyava.com; (505) 255-9255.

LIBERAL LIAISONS

If responding to a Nation Box number, send replies to: Nation Box ___ , The Nation, 33 Irving Place, New York, NY 10003.

FETISHES AND FANTASIES fulfilled. Hot erotic talk with creative, sensuous woman. No limits. Personal. Confidential. Call (866) 844-8286.

AURAL EROTICA. Well-heeled, well-spoken, not always well-behaved. Fetish friendly, smart & sexy. (800) 717-LIZZ (5499); ElizabethPaxton.com.

WIDOW IN WESTCHESTER, NY, seeks friendship with a man 77– 87 who lives nearby and loves Mozart. fapoetry@verizon.net.

WEST COAST MALE, 70s. Well-read, fit, thoughtful. Seeks West Coast female, petite, warm, savvy, for last long waltz before the dance is over. (250) 285-2169.

MERCHANDISE

CAT LOVERS AGAINST THE BOMB 2011 wall calendar $8.95 + $1.75 postage. Cats and peace—what more could you want in a calendar? Order from: CLAB-NC, PO Box 83466, Lincoln, NE 68501; or toll-free (877) 778-3434; or catcal@aol.com.

EXCITING NEW DESSERT: HALF-BAKED ALASKA www.sarahsapron.com.

CAN YOU GET HEALTHCARE COVERAGE FOR A PALINOSCOPY? www.sarahsapron.com.

MERCHANDISE

DOES YOUR SUPERMARKET CARRY GOLDMAN SNACKS CHEATOS? www.sarahsapron.com.

Talk Back Tees
Liberal quotations, wit & wisdom, hand-printed on colorful, 100% cotton tees
talkbacktees.com (800) 777-9242

PSYCHOTHERAPY

CHICAGO PSYCHOTHERAPIST, twenty-five years, all issues, including depression, anxiety, relationships, creative blocks. Sliding scale, insurance. Deborah Hellerstein, PhD. (312) 409-9516; therapyinchicago.com.

REAL ESTATE

LEFT COAST, US. Work with The Realtor Who's on Your Side. Norma J.F. Harrison. (510) 526-3968. (866) 264-9029. NormaHa@pacbell.net.

SANTA FE: PROGRESSIVE REALTOR® seeks same in clients. Peter Kahn, Santa Fe Realty Partners. (505) 690-4840 cell, (877) 982-6207 toll free, or peter@peterkahn.com.

UNUSUAL SERVICES

PRE-NEED OBITUARIES. Are you dying to write your own obituary? Get help from a professional "ghostwriter." Or would you rather your kids have the last word? obitwriter.net.

GOVERNMENT ATTIC.ORG *Cool Declassified Documents.*

Events

NATIONAL

Economy Connection

■ War and global capitalism. Unemployment and recession. Wealth, poverty and inequality. For speakers and resources on these and related topics, contact Economy Connection, a project of the Union for Radical Political Economics. We can provide speakers for formal or informal events sponsored by community groups, unions, high schools, colleges or political organizations. soapbox@urpe.org or (201) 792-7459. Join URPE! • urpe.org. (413) 577-0806. URPE@labornet.org.

A New Era Dawns

■ As we face mounting world crises, British author Benjamin Creme offers good news. Throughout history, enlightened teachers appear to help humanity take the next step forward. Now, led by Maitreya, the World Teacher, they have returned to inspire us to create a new era based on sharing and justice, where all people have food, shelter, healthcare and education as basic human rights. Free talks by Benjamin Creme in New York, Los Angeles, San Francisco. Info: Share-International.us, (888) 242-8272.

The advertising deadline for Events is every Thursday. Rates: $210 for 50 words; $260 for 75 words, additional words (above 75) $2.00 each. To place an ad, call Amanda at (212) 209-5414.

CINEASTE

Now in its 44th year of publication, *Cineaste* is internationally recognized as America's leading quarterly on the art and politics of the cinema. Each issue features thought-provoking coverage, with exclusive interviews, topical articles, special supplements, critical symposia, and in-depth film, book, and DVD reviews.

"A trenchant, eternally zestful magazine… in the forefront of American film periodicals… and it permits its writers more space to develop ideas than most magazines."
—International Film Guide

"Cineaste *ranks highly as a magazine with serious journalistic writing and true integrity… it stands up for important causes and special films that would otherwise be lost in our mass consumption of pop culture."*
—Oliver Stone

To order a sample issue, or to subscribe, visit our Website at **www.cineaste.com**

The little button with a **BIG** message

peacebuttons.info

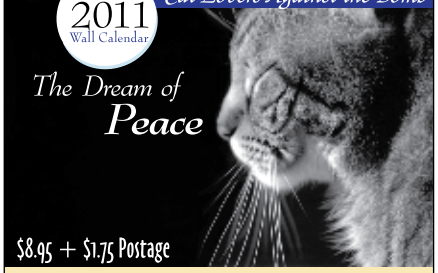
Items featuring the 1958 peace symbol

MAKING A WILL?

It's important for you. And important for us that you consider making *The Nation* part of your legacy. By making a provision for *The Nation* now, you help ensure that both the principles we stand for, and the forum in which we fight for them, will be around for generations to come. Your legacy can take the form of a will, a trust, or various other means. It can go to *The Nation* or to The Nation Institute, a tax – exempt charitable organization. And of course it can be – and will be appreciated – in whatever amount you can make it, large or small. It's spelled out in what we call our Legacy Group brochure. If you're at an estate-planning point in your life, or feel you'd like to know more about your options in general, call us for a copy.

THE NATION LEGACY GROUP (212) 209-5428
The Nation. 33 IRVING PLACE, NEW YORK, NY 10003-2332
CALL TODAY TO RECEIVE OUR NEW MEMORIAL AND HONORARY GIFT PACKAGE.

Twelve Months of Cats • Quotes • Dates
Cat Lovers Against the Bomb
2011 Wall Calendar
The Dream of Peace

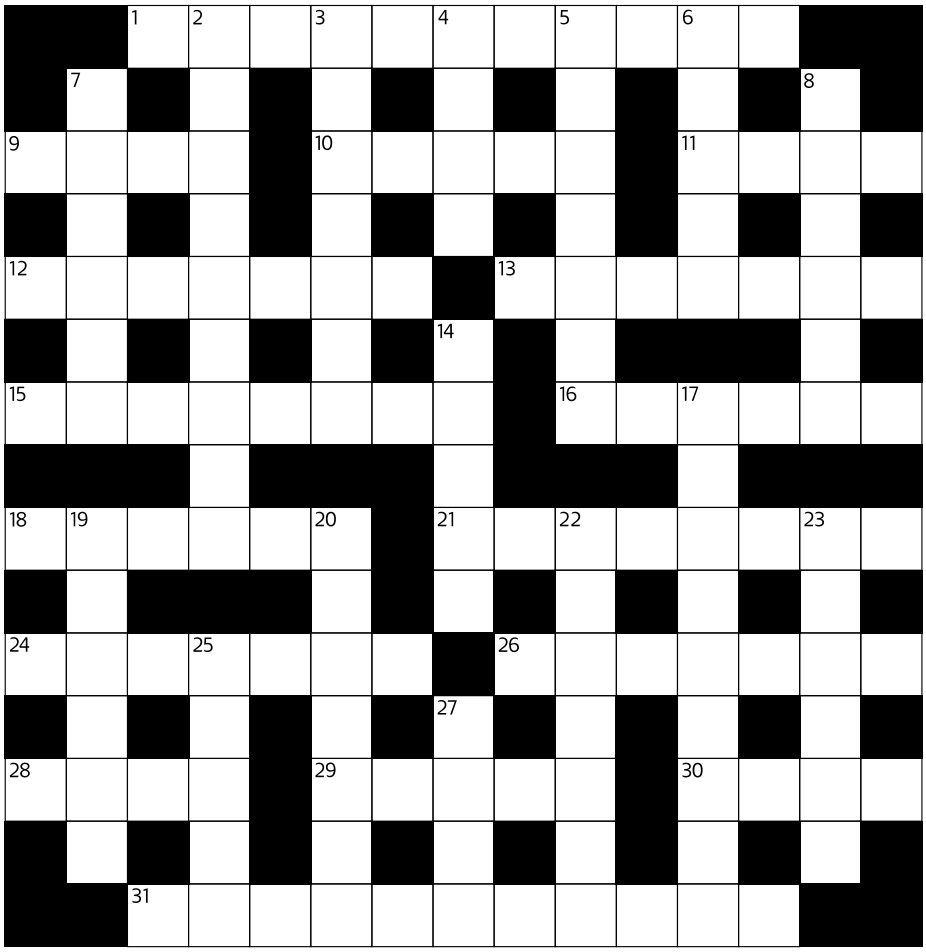


$8.95 + $1.75 Postage
Order from: Cat Lovers Against the Bomb Tel: 877-778-3434
P.O. Box 83466, Lincoln, NE 68501 e-mail: catcal@aol.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Puzzle No. 1615

FRANK W. LEWIS



ACROSS

1 Possibly a puffed-up public message… (5,6)

9 and **29** …with the message for the widest public. (The service to me needs help, in retrospect.) (4,5)

10 and **5** down To help see what are raised in certain staged toasts? (5,7)

11 Bell-carriers for a fine lady. (4)

12 Somebody might suffer from exposure if one does, or possibly gets out of bed. (7)

13 What the lady referred to in 11 must have been (if unladylike) when traveling apace, as one might say. (7)

15 See 14 down

16 Ranges in pursuit. (6)

18 One who breaks in might find it easy. (6)

21 Put up with us, when turning to a very loud reed pattern. (8)

24 Spooner did, if old-fashioned, as the plug might have done. (7)

26 To summon one in case one hears a shower? (7)

28 See 3 down

29 See 9

30 See 27 down

31 What one might do in fetching the baby-sitter, remember? (5,2,4)

DOWN

2 and **8** He would be typical of it. (9,6)

3 and **28** across One might with an "Out of Order" sign, after presenting a statement of past good fortune. (5,2,4)

4 Killed in the past? Take a turn with the navy! (4)

5 See 10 across

6 13 has no instinctive impulse to revolutionize this plant. (5)

7 The money taken in around me is an important part of reproduction. (6)

8 See 2

14 and **15** across One might be responsible for the habit you may have acquired. (5,8)

17 10 changing into the strategic movement of troops. (9)

19 Auto with the top collapsed inside might hold you prisoner. (6)

20 Point to one who done her wrong, in general. (7)

22 A word of warning to prepare defensively is close at hand. (7)

23 Childhood rhyme mentioned No. Nine—for example, mixed with that number. (6)

25 It might be tacked on a jockey, perhaps. (5)

27 and **30** across They might be limited inside to get them out of it. (8)

This puzzle originally appeared in the January 17, 1976, issue.

SOLUTION TO PUZZLE NO. 1614

E	Y	E	L	A	S	H	E	S	■	M	A	S	O	N
V	■	R	■	B	■	O	■	E	■	A	■	M	■	O
E	A	R	L	D	O	M	■	C	O	N	F	O	R	M
R	■	A	■	I	■	E	■	U	■	Y	■	T	■	I
Y	E	T	■	C	O	L	O	R	S	■	T	H	E	N
■	■	U	■	A	■	A	■	E	■	M	■	E	■	A
T	E	M	P	T	I	N	G	■	G	A	R	R	E	T
H	■	■	■	I	■	D	■	M	■	I	■	■	■	E
E	X	P	A	N	D	■	R	E	U	N	I	T	E	D
C	■	I	■	G	■	N	■	S	■	S	■	R	■	■
O	A	T	S	■	C	O	H	O	R	T	■	A	N	D
A	■	F	■	L	■	W	■	Z	■	R	■	C	■	I
T	S	A	R	I	N	A	■	O	V	E	R	T	A	X
O	■	L	■	N	■	N	■	I	■	A	■	O	■	O
F	A	L	S	E	■	D	E	C	A	M	E	R	O	N

The Nation (ISSN 0027-8378) is published weekly (except for the second week in January, and biweekly the third week of July through the second week of September) by The Nation Company, L.P. © 2010 in the U.S.A. by The Nation Company, L.P., 33 Irving Place, New York, NY 10003. (212) 209-5400. Washington Bureau: Suite 308, 110 Maryland Avenue N.E., Washington, DC 20002. (202) 546-2239. Periodicals postage paid at New York, NY, and at additional mailing offices. Subscription orders, changes of address and all subscription inquiries: The Nation, PO Box 420235, Palm Coast, FL 32142-0235, or call 1-800-333-8536. Publications Mail Agreement No: 40041477. Return undeliverable Canadian addresses to Bleuchip International, PO Box 25542, London, ON N6C 6B2. Canada Post: Publications Mail Agreement No.: 40612608. When ordering a subscription, please allow 4-6 weeks for receipt of your first issue and for all subscription transactions. Basic annual subscription price: $79 for 47 issues. Back issues $6 prepaid ($8 foreign) from: The Nation, 33 Irving Place, New York, NY 10003. The Nation is available on microfilm from: University Microfilms, 300 North Zeeb Road, Ann Arbor, MI 48106. Member, Audit Bureau of Circulations. POSTMASTER: Send address changes to The Nation, PO Box 420235, Palm Coast, FL 32142-0235. Printed in U.S.A. on recycled paper.

LICENSED TO GALE/OTHS
ELECTRONIC REPRODUCTION PROHIBITED

Actual size is 40.6 mm

Millions are scrambling for the 2011 Silver Eagle...But we're giving it away TODAY at our cost!

The economic crisis has sparked a huge demand for U.S. Mint Silver Eagles. Collectors, investors, dealers and the public alike are scouring the country to obtain them, creating a serious national shortage. But today, as a special offer to new customers you can own these HEFTY Silver Dollars at our cost—*only $38.94!**

You Cannot Buy This Coin From the Mint!

The U.S. Mint does not sell Silver Eagle Dollars direct to the public. You can only obtain them through an authorized distributor. We have just reserved a fresh shipment of 2011 U.S. Mint Silver Eagles—the current U.S. Silver Dollar. These massive and attractive coins contain one full troy ounce of silver and feature the historic image of Miss Liberty draped in a U.S. flag walking boldly into the future.

No, We're Not Crazy!

Why are we giving away this silver dollar at our cost? Because we want to introduce you to what hundreds of thousands of our satisfied customers have discovered since 1984—***we're your best source for coins worldwide.*** That's why we're giving away this 2011 U.S. Silver Eagle to you—for just $38.94**—to put you on the ground floor of great values like this—values our customers enjoy every day.

Highest Demand Ever for 2010 Eagles. Act Before The 2011s Disappear!

We've never experienced such demand for Silver Eagles as we did in 2010. We predict the same for the 2011 Silver Eagles. So please hurry! They're available RIGHT NOW. And with the current financial crisis they could easily sell out.

Don't Miss Out! Limit 3 Per Customer

At our cost, we must set a strict limit of 3 coins per customer. The allure of silver is timeless, and the precious metal is a proven hedge against economic uncertainty. Don't miss out! Call immediately, toll free, 1-888-201-7064 to add these elusive Silver Eagles to your holdings!

TOLL-FREE 24 HOURS A DAY

1-888-201-7064

Offer Code ESV117
Please mention this code when you call.

GOVMINT.COM
YOUR ONE BEST SOURCE FOR COINS WORLDWIDE

14101 Southcross Drive W., Dept. ESV117
Burnsville, Minnesota 55337

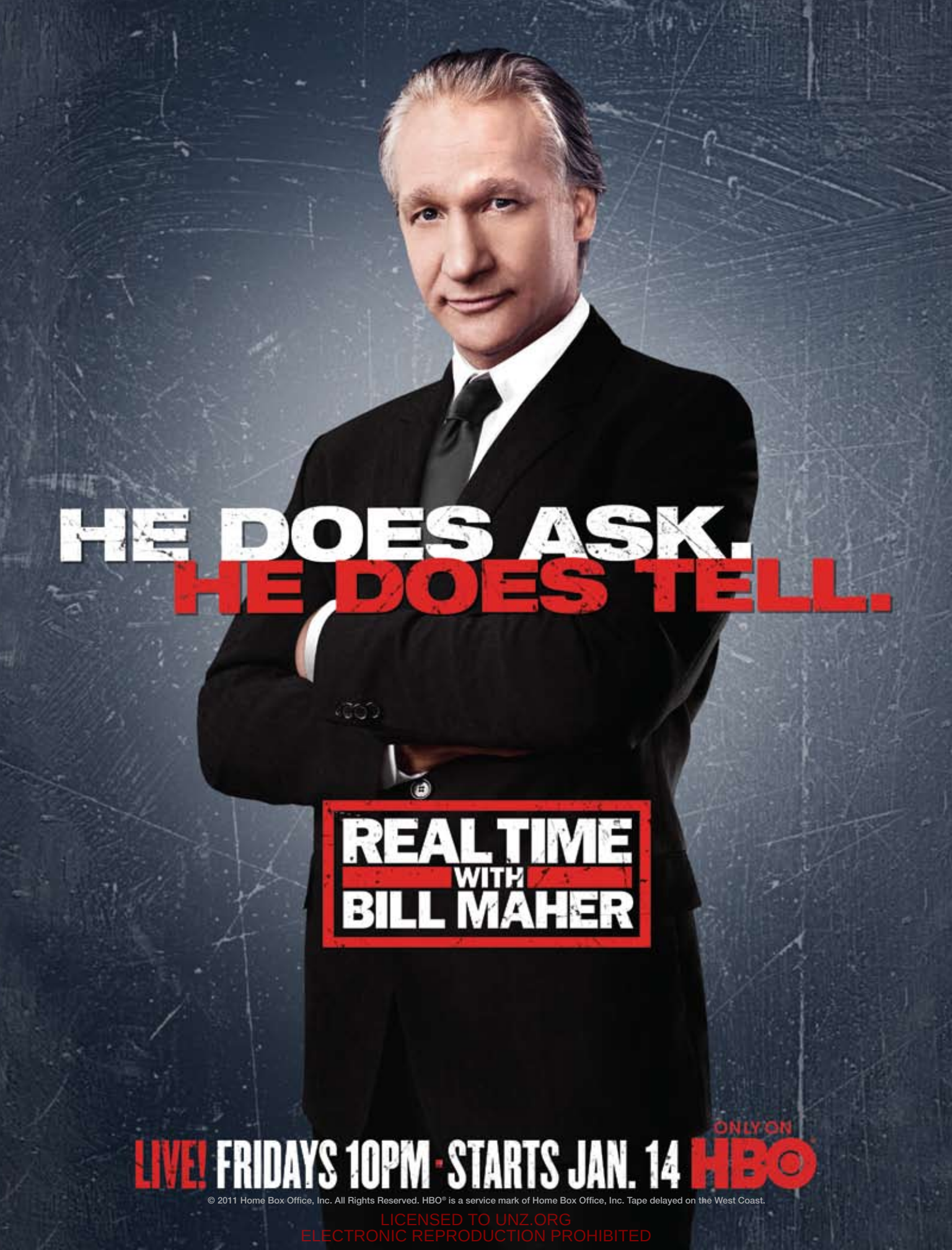
www.GovMint.com

**plus a nominal shipping and handling charge*

Note: GovMint.com. is a private distributor of government and private coin and medallic issues and is not affiliated with the United States Government. ***Prices and availability subject to change without notice.*** ©GovMint.com, 2011
**Price based on spot market silver price of $29.24.

ACCREDITED BUSINESS BBB

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



© 2011 Home Box Office, Inc. All Rights Reserved. HBO® is a service mark of Home Box Office, Inc. Tape delayed on the West Coast.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED